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LEGISLATIVE ASSEMBLY DEBATES

FRIDAY, 21st MARCH, 1930

Vol. I—No. 39

OFFICIAL REPORT

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LEGISLATIVE ASSEMBLY.

Friday, 21st March, 1930

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr President in the Chair

QUESTIONS AND ANSWERS

RACIAL DISCRIMINATION IN RECREATION PROVIDED FOR APPRENTICES OF THE KHARAGPUR RAILWAY WORKSHOPS

690. ***Mr. S. C. Mitra:** Is it a fact that the Bengal Nagpur Railway Administration have made provisions in the rules for all their Anglo-Indian and European apprentices in the Kharagpur Railway Workshops, for all sorts of recreations, sports, amusements and easements and that no such provisions exist in the rules for their Indian apprentices there? If so, what is the reason for this differential treatment?

Mr. A. A. L. Parsons: The answer to the first part of the question is in the affirmative

In regard to the second part I have called for information from the Railway Administration and will communicate with the Honourable Member when it is received

NUMBERS OF EUROPEAN AND INDIAN APPRENTICES IN THE KHARAGPUR RAILWAY WORKSHOPS.

691. ***Mr. S. C. Mitra:** (*a*) Will Government please state the number of European (excluding the Anglo-Indian) and Indian apprentices now under training in the Kharagpur Railway Workshops and how many of them are attached to the Loco, Carriage, Wagon and other shops, respectively?

(*b*) What is the total number of apprentices in the Kharagpur Railway Workshops?

Mr. A. A. L. Parsons: With your permission Sir, I propose to answer this and the following question together I have called for information and will communicate with the Honourable Member when it is received

GRIEVANCES OF APPRENTICES IN THE KHARAGPUR RAILWAY WORKSHOPS.

†692. ***Mr. S. C. Mitra:** (*a*) Is it a fact that there has been a Committee at Kharagpur known as the "Cunningham Committee" appointed by the Bengal Nagpur Railway authorities to consider the various grievances of the employees in the Kharagpur Railway Workshops? If so, has the "Cunningham Committee" taken into consideration the grievances of the Indian apprentices who are now under training in the Kharagpur Railway Workshops?

(*b*) If the reply to part (*a*) be in the affirmative, will Government be pleased to place on the table an extract from the Cunningham Committee's Report so far as it relates to the Indian "A" Grade apprentices?

†For answer to this question, *see* answer to question No 691

FREE PASSES AND CONCESSIONS FOR APPRENTICES OF THE KHARAGPUR RAILWAY WORKSHOPS

693 ***Mr. S. C. Mitra:** (*a*) Will Government please state, in what class the railway free passes and tickets at concession rates are allowed on the home railway to the apprentices in the Bengal Nagpur Railway Workshops at Kharagpur, and when the apprentices become eligible for the free passes and tickets at concessional rates over the foreign lines?

(*b*) Are there any separate rules for the Indian apprentices, and especially for the "A" Grade apprentices for granting them the free passes and tickets at concessional rates? If so, why?

Mr. A. A. L. Parsons: (*a*) Intermediate or third class passes and concession tickets are allowed in accordance with the pass rules of the Bengal Nagpur Railway to these apprentices over the home line They become eligible for free passes and tickets at concession rates over foreign railways after two years' service

(*b*) No

RECRUITMENT OF CLERKS FOR THE POST OFFICE

694 ***Mr. S. C Mitra:** (*a*) Will Government be pleased to state if it is a fact that the Director General of Posts and Telegraphs has restricted the recruitment to the Post Office of candidates for the clerical cadre to the respective Revenue Divisions to which the candidates belong? If so, will they please lay a copy of the order on the table?

(*b*) Is it also a fact that the Superintendents of Post Offices are required to obtain the previous sanction of the Heads of Circles if they want to deviate from the above orders and entertain candidates not belonging to the Revenue Divisions in which they seek employment?

The Honourable Sir Bhupendra Nath Mitra: (*a*) Yes A copy of Part I of the Director General's (Post Office) Circular No 29, dated the 2nd September, 1926, is laid on the table

(*b*) Yes

POSTS AND TELEGRAPHS.

(POST OFFICE)

Director General's Circular No. 29.

Thursday, 2nd September, 1926.

I.—Local recruitment for subordinate postal appointments.

GENERAL FILE

On the recommendation of the Postal Conference of 1926 it has been decided by the Director General that with effect from the 1st September, 1926, future candidates joining the subordinate postal service must belong to the Revenue Division in which they enlist In the cases of cities like Bombay and Calcutta candidates belonging to the adjacent Revenue Divisions will also be eligible for appointment in such cities.

2. Any exception to the instruction given in paragraph 1 above must be referred to the Head of the Circle—Postal or Railway Mail Service—for orders

* * * * * * *

G P ROY,

Director General of Posts and Telegraphs

RECRUITMENT OF CLERKS FOR THE POST OFFICE

695. ***Mr. S. C. Mitra:** (*a*) Will Government be pleased to state the number of candidates of the clerical cadre belonging to the other Revenue Divisions entertained in the Nilgiri Division by Mr M K Raman, Superintendent of Post Offices, after he took charge of that division in 1928 and the names of the Revenue Divisions from which those candidates were drawn?

(*b*) Did the Superintendent obtain the sanction of the Postmaster-General, Madras Circle, before their entertainment? If not, why not, and what action do Government propose to take in the matter?

The Honourable Sir Bhupendra Nath Mitra: With your permission, Sir, I propose to answer this and the following question together

The information asked for is being collected and will be supplied to the Honourable Member in due course

RECRUITMENT OF CLERKS FOR THE POST OFFICE

†696 ***Mr. S. C. Mitra:** (*a*) Has the Postmaster-General, Madras, issued instructions to the Superintendent of Post Offices, Nilgiri Division, to stop recruitment of Brahmins for the clerical cadre in his division?

(*b*) Were any Brahmins entertained by Mr M K Raman, the Superintendent of Post Offices, Nilgiri Division, after the receipt of the Postmaster-General's instructions? If so, how many?

INSPECTION OF BOOKS AND RECORDS OF SUB-POST OFFICES

697 ***Mr. S. C. Mitra:** (*a*) Will Government be pleased to state if the rules of the Postal Department prohibit the Supervising Officers from taking away the order books and records of a Post Office for inspection outside the office?

(*b*) How long has Mr M K Raman, Superintendent of Post Offices, Nilgiri Division, been working as a Superintendent?

(*c*) Is it a fact that the B O receipt books of the Pykara and Mulanur branch offices were taken by him to his office, where they were checked by the staff?

(*d*) Is it also a fact that registered and parcel lists and the B O daily accounts of the Dharapuram and Valparai Sub-Post Offices were brought by him to the office and were inspected by the staff of the Superintendent?

(*e*) How many days did he take to inspect each of the Branch and Sub-Post Offices mentioned in parts (*c*) and (*d*) above, and why did he not inspect the records in the respective offices?

(*f*) What action do Government propose to take in the matter?

Mr. H. A. Sams: Sir, with your permission, I will reply to questions Nos 697 and 698 together

The information is being collected and will be communicated to the Honourable Member in due course.

†For answer to this question, *see* answer to question No 696

INSPECTION OF BOOKS AND RECORDS OF SUB-POST OFFICES

†698 ***Mr. S. C. Mitra:** (*a*) Will Government be pleased to state if it is a fact that Mr M K Raman, Superintendent of Post Offices, Nilgiri Division, utilised the services of Inspectors of Post Offices of the Palghat and Coimbatore Sub-Divisions to check the registered and parcel lists of the Kollengode and Podanur Post Offices at the time of his inspection?

(*b*) How many days did the two Inspectors remain with the Superintendent in the above stations, and in what places should they have remained according to their tour programmes?

(*c*) Are Superintendents allowed to take the assistance of Inspectors and cannot they inspect offices without the help of Inspectors of Post Offices?

OFFICE AND RESIDENTIAL ACCOMMODATION OF THE SUPERINTENDENT OF POST OFFICES, OOTACAMUND.

699 ***Mr. S. C. Mitra:** (*a*) Will Government be pleased to state if it is a fact that the office of the Superintendent of Post Offices is located in Ootacamund in two dark, ill-ventilated rooms in the backyard of the Superintendent's quarters and that Mr M K Raman, the Superintendent is occupying the major portion of the building?

(*b*) Is it a fact that the proportionate rent of the quarters is less than that for the office portion?

(*c*) Were Government satisfied that better and suitable accommodation was not available in Ootacamund for the office, and if so, will they please state if any inquiries were made by any officer of the department other than the Superintendent about the availability or otherwise of the accommodation?

(*d*) Is it compulsory that the Superintendent's office and quarters should be in one and the same building? If the answer be in the negative do Government propose to consider the desirability of providing better accommodation for the office of the Superintendent of Post Offices, Nilgiris?

Mr. H A. Sams. (*a*), (*b*) and (*c*) I am making inquiries and will communicate the result to the Honourable Member on receipt

(*d*) The answer to the first part of the question is in the negative In respect of the second part, Government will take such action regarding the accommodation of the office of the Superintendent of Post Office, Nilgiri Division, as the investigations promised in respect of parts (*a*), (*b*) and (*c*) of the Honourable Member's question show to be necessary

PAY OF CERTAIN CLERKS IN THE POST OFFICE

700. *Mr. S. C. Mitra: (*a*) Will Government be pleased to state if it is a fact that graduates and under-graduates entertained in the Post Office after the revision of pay in March 1927 are getting a higher pay than such men who joined the service two years before the revision?

(*b*) Do Government propose to take action to remove the anomaly? If so, how and when?

The Honourable Sir Bhupendra Nath Mitra: (*a*) Yes in some cases owing to the operation of the Fundamental Rules

(*b*) The reply to the first part of the question is in the negative and the second part does not arise

†For answer to this question, *see* answer to question No 697

ALLEGATIONS AGAINST BABU NUT BEHARI CHATTERJEE

701. ***Mr. S. C. Mitra:** (*a*) Is it a fact that the Government received a copy of the resolution of a mass meeting of the Press Employees of Calcutta held under the presidency of Mr Satyendra Chandra Mitra, M L A , on the 14th December, 1929, regarding the serious allegations on the conduct of Babu Nut Behari Chatterjee, Assistant Foreman of the East Indian Railway Press?

(*b*) If the answer to part (*a*) be in the affirmative, will Government be pleased to state what action has been taken in the matter? If not, why not?

Mr. A. A. L. Parsons: (*a*) A letter was received from the Organising Secretary, Press Employees' Association communicating certain Resolutions purporting to have been passed at a meeting of Press employees at Calcutta

(*b*) Government do not feel called upon to take any action on the communication

MEMORIAL FROM EMPLOYEES OF THE EAST INDIAN RAILWAY PRESS

702 ***Mr. S. C. Mitra:** (*a*) Is it a fact that the Honourable Member in charge of Railways and Commerce received a memorial dated the 2nd January, 1930, from the compositors, distributors and binders of the East Indian Railway Press of Howrah and Calcutta?

(*b*) If the answer to part (*a*) be in the affirmative, will Government be pleased to lay on the table a copy of the said memorial?

(*c*) Will the Honourable Member in charge of Railways and Commerce be pleased to state what action has been taken or is intended to be taken in the matter?

Mr. A. A. L. Parsons: (*a*) Yes

(*b*) A copy of the memorial has been placed in the Library of the House.

(*c*) The Agent of the Railway has been asked to deal with the memorial as expeditiously as possible

ALLEGED MISCONDUCT ON THE PART OF THE SUPERINTENDENT, EAST INDIAN RAILWAY PRESS

703. ***Mr. S. C. Mitra:** (*a*) Is it a fact that the President, Press Employees' Association, Calcutta telegraphed to the Honourable Member in charge of Railways and Commerce on the 26th December, 1929, alleging serious misconduct on the part of the Superintendent, East Indian Railway Press?

(*b*) If the answer to part (*a*) be in the affirmative, will Government be pleased to lay on the table a copy of the said telegram?

(*c*) Will Government be pleased to state what steps Government have taken or intend taking in the matter?

Mr. A. A. L. Parsons: (*a*) No such communication can be traced.

(*b*) and (*c*) Do not arise

STATUS OF EMPLOYEES OF THE EAST INDIAN RAILWAY PRESS

704 ***Mr. S. C. Mitra:** (*a*) Is it a fact that the compositors, binders, distributors, galley proof pressmen, forme proof pressmen, machinemen and ink men of the Government of India Press are in superior service while those of the East Indian Railway Press are in the inferior service?

(*b*) If the answer to part (*a*) be in the affirmative, will Government be pleased to state the reasons therefor, and whether they intend taking any action to place the East Indian Railway pressmen on the same status with the men of the Government of India Press?

Mr. A. A. L. Parsons: With your permission, Sir, I propose to answer questions Nos 704, 706, 707 and 708 together

I have not yet got the information

Information has been called for and I will communicate with the Honourable Member on its receipt

COMPLAINT AGAINST THE BINDING JAMADAR OF THE EAST INDIAN RAILWAY PRESS

705 ***Mr. S. C. Mitra:** (*a*) Is it a fact that, according to the Civil Service Rules and Regulations and Government Servants' Conduct Rules, as well as according to the publication in the weekly Gazette of the East Indian Railway, issued on the 15th January, 1930, an employee is liable to be dismissed for serious misconduct?

(*b*) Is the Honourable Member in charge of Railways and Commerce aware that the binding jamadar of the East Indian Railway Press, Calcutta, abused and kicked Abdul Wahid Khan, Mujibur Rahman Chaudhuri and Harmoj Ali Chaudhuri and is in the habit of insulting other employees?

(*c*) If the answers to parts (*a*) and (*b*) be in the affirmative, will the Honourable Member be pleased to state what action has been taken or is intended to be taken against the said binding jamadar?

Mr. A. A. L. Parsons: (*a*) Yes

(*b*) No

(*c*) Government do not propose to take any action

EARNINGS OF CERTAIN EMPLOYEES OF THE EAST INDIAN RAILWAY PRESS

†706. ***Mr. S. C. Mitra:** (*a*) Is it fact that the earnings of the compositors, distributors, and binders, pressmen, machinemen and ink men of the East Indian Railway Press are diminishing gradually while those of the foreman, section-holders and readers are increasing?

(*b*) If the answer to part (*a*) be in the affirmative, will Government be pleased to state the reasons for the same?

(*c*) Will the Honourable Member in charge of Railways and Commerce be pleased to lay on the table a comparative statement of earnings of any five readers, section-holders, compositors and binders with their names, for the months of June, July, August and September of the years 1924, 1925 and 1929?

†For answer to this question, *see* answer to question No 704

DISCRIMINATION IN THE PAYMENT OF CALCUTTA ALLOWANCE TO EMPLOYEES IN THE EAST INDIAN RAILWAY PRESS

†707. *Mr. S. C. Mitra: (a) Is it a fact that the clerks of the East Indian Railway Press are allowed to draw Calcutta allowance, while the compositors, distributors, binders, pressmen, machinemen and ink men are not allowed the same?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state the reasons thereof?

HAND-COMPOSING WITH MONO-TYPE IN THE EAST INDIAN RAILWAY PRESS.

†708. *Mr S. C. Mitra: (a) Is it a fact that the compositors of the East Indian Railway Press are required to hand-compose with mono-types?

(b) Are Government aware that hand-composing with mono-type is nowhere prevalent in the world?

(c) If the answers to parts (a) and (b) be in the affirmative, will Government be pleased to state the reasons for forcing the compositors to do such work?

RATES PAID TO COMPOSITORS IN CERTAIN PRESSES.

709. *Mr. S. C. Mitra: Will Government be pleased to lay on the table a comparative statement of the class rates of the compositors in the Government of India Presses, Bengal Government Press, and the East Indian Railway Press?

Mr. A. A. L. Parsons: With your permission, Sir, I propose to reply to questions Nos 709—719 together.

I would refer the Honourable Member to the replies given to his questions Nos 257—266 and 268 asked by him in January, 1929, which were in identical terms.

INCOME OF DIFFERENT CLASSES OF PRESS EMPLOYEES.

‡710. *Mr. S. C. Mitra: Will Government be pleased to lay on the table a statement showing, side by side, the income of overseers, head computors, any three computors, foreman, head clerk and any three clerks on the one hand and any five compositors, any five distributors and any five binders on the other, noting the name of each, in 1906 and 1927?

PROMOTION IN THE EAST INDIAN RAILWAY PRESS

‡711. *Mr. S. C. Mitra: (a) Is it a fact that, in the East Indian Railway Press, it is not infrequent that a raw junior with a few months' service to his credit is promoted over the heads of seniors?

(b) Is it a fact that, in the said Press, it is always the few who regularly get promoted, while others are left to vegetate for years in the same place?

(c) Will Government be pleased to lay on the table a statement showing the number of compositors in the East Indian Railway Presses at Calcutta and Howrah with, (i) Names, (ii) Dates of appointments, and (iii) Dates of promotions?

†For answer to this question, *see* answer to question No 704

‡For answer to this question, *see* answer to question No 709

(d) If the replies to (a) and (b) be in the affirmative, will Government be pleased to state what action Government intend taking in the matter?

COMPARATIVE COST OF COMPOSING BY HAND AND WITH LINOTYPE AND MONOTYPE MACHINES

†712 ***Mr. S. C. Mitra:** (a) Is it a fact that three lino and two mono machines were purchased in the East Indian Railway Press immediately after the East Indian Railway became a State Railway?

(b) Is it a fact that the mono machines cause to Government a loss of 40 per cent., and that the lino machines cause only 20 per cent loss to Government?

(c) Is it a fact that matter composed on mono or lino machines has to be melted away after printing and that such melting can go on for five times only?

(d) Is it a fact that hand-composed matter lasts 90 lakhs of impressions?

(e) Is it a fact that hand compositors are entitled to remuneration after the first reading, second reading, third reading, revised corrections and rule dress-up are finished?

(f) Will Government be pleased to lay on the table a comparative statement showing the cost of composing by hand 44×72 Em nonpareil type 15 column statement, and that of having it in a monomachine, noting specifically the charge of (1) operator, (2) caster, (3) arranging, (4) first reading corrections, (5) second reading corrections, (6) third reading corrections, (7) revise corrections (8) rule dress-up, (9) gas, (10) electricity, (11) water, and (12) metal?

(g) If the reply to (a) and (b) be in the affirmative, will Government be pleased to state why Government are replacing hand-composition by lino and mono machines?

PAY OF COMPOSITORS AND CLERKS IN THE EAST INDIAN RAILWAY PRESS.

†713 ***Mr. S. C. Mitra:** (a) Is it a fact that, in May 1920, the Agent, East Indian Railway, passed orders to the effect that the compositors would be placed on a par with the clerks?

(b) Is it a fact that they have been enjoying this privilege from that time up to 1926?

(c) If the reply to parts (a) and (b) be in the affirmative, will Government be pleased to explain the reasons thereof?

PAY ON HALF HOLIDAYS IN THE EAST INDIAN RAILWAY PRESS

†714 ***Mr. S. C. Mitra:** (a) Is it a fact that, in 1920, the Agent, East Indian Railway, passed orders that the Press people (compositors, distributors, pressmen, binders, etc.), would be allowed a full day's pay on half holidays in general?

(b) Is it a fact that they have been enjoying this privilege from after that time up to 1926?

†For answer to this question, *see* answer to question No 709

(*c*) Is it a fact that it has been stopped since the Railway came under Government control?

(*d*) If the replies to (*a*), (*b*) and (*c*) be in the affirmative, will Government be pleased to state the reasons thereof?

RAILWAY CONCESSIONS OF EMPLOYEES OF THE EAST INDIAN RAILWAY PRESS

†715 ***Mr. S. C. Mitra:** (*a*) Is it a fact that the Press employees are not allowed concession rates on railways other than the East Indian Railway, when even the day-labourers in the Lillooah Workshops enjoy this privilege?

(*b*) Is it a fact that the Agent's circular is to the effect that every employee of the East Indian Railway is entitled to these "concessions"?

(*c*) If the replies to parts (*a*) and (*b*) be in the affirmative, will Government kindly inform the House why such discrimination is observed in the case of the Press employees?

RAILWAY CONCESSIONS OF EMPLOYEES OF THE EAST INDIAN RAILWAY PRESS

†716. ***Mr. S. C. Mitra:** (*a*) Will Government be pleased to state the rules applicable to the Press employees and clerical staff in the East Indian Railway Press with regard to passes and the class of train in which they are entitled to travel?

(*b*) Is it a fact that, since 1920, compositors drawing below Rs 75 per mensem have not been allowed intermediate class passes, and that this rule is not applicable to the clerks?

(*c*) Will Government kindly state why these discriminations, if any, are observed between the Press employees and the clerical hands?

REVERSION TO TEMPORARY APPOINTMENTS OF CERTAIN COMPOSITORS IN THE EAST INDIAN RAILWAY PRESS, CALCUTTA

†717 ***Mr. S. C. Mitra:** (*a*) Is it a fact that permanent hands cannot be reverted to temporary hands?

(*b*) Is there any rule to that effect?

(*c*) If so, will Government be pleased to state that rule?

(*d*) Is it a fact that permanent compositors of the Oudh and Rohilkhand Railway Press on transfer from Lucknow to the East Indian Railway Press, Calcutta, have been made temporary?

(*e*) If the replies to parts (*a*) and (*d*) be in the affirmative, will Government be pleased to state the reasons thereof?

GRANT OF CALCUTTA ALLOWANCE TO EMPLOYEES OF THE OUDH AND ROHILKHAND RAILWAY PRESS TRANSFERRED TO CALCUTTA

†718. ***Mr. S. C. Mitra:** (*a*) Is it a fact that the Press employees of the Oudh and Rohilkhand Railway Press, Lucknow, when transferred to Calcutta, were promised Rs 5 as Calcutta allowance?

†For answer to this question, *see* answer to question No. 709.

(*b*) Is it a fact that this promise has not been acted upon?

(*c*) If the replies to parts (*a*) and (*b*) be in the affirmative, will Government be pleased to state the reasons thereof?

NUMBER OF CERTAIN EMPLOYEES IN THE EAST INDIAN RAILWAY PRESSES, HOWRAH AND CALCUTTA

†719. ***Mr. S. C. Mitra:** Will Government be pleased to lay on the table a statement showing therein the number of (1) Deputy Superintendents, (2) overseers, (3) computors, (4) checkers, (5) clerks, (6) compositors, (7) distributors, (8) pressmen, (9) inkmen, (10) machinemen, and (11) binders, employed in the East Indian Railway Presses, Howrah and Calcutta, from 1920 to 1927, year by year?

PROVISION OF A PROVIDENT FUND FOR EMPLOYEES OF THE GOVERNMENT OF INDIA PRESSES

720 ***Mr. S. C. Mitra:** (*a*) Is it a fact that the Resolution No A -31, of the Government of India, dated the 15th July, 1920, provides that the employees in the Government of India Presses should have a Provident Fund similar to that in the State Railways?

(*b*) Is it a fact that nothing has yet been done to carry out that provision?

(*c*) If the replies to parts (*a*) and (*b*) be in the affirmative, will Government be pleased to state.

(i) the causes of this delay of Government in executing their own orders

(ii) when they intend taking action on the matter,

(iii) what they intend to do with regard to the men who have retired since the order was made in 1920, and for the families of those who have died since then either in service or after retirement?

The Honourable Sir Bhupendra Nath Mitra: (*a*), (*b*), (*c*), (i) and (ii) The attention of the Honourable Member is invited to the reply given to parts (*a*), (*b*), (*c*) (i), and (ii) of his starred question No 269 in the Legislative Assembly on the 30th January, 1929

(*c*) (iii) The question is under consideration

PAY OF PIECE-WORKERS IN THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

721 ***Mr. S. C. Mitra:** (*a*) Is it a fact that, in reply to my starred question No 631, dated the 18th September, 1929, regarding the pay of piece-workers of the Government of India Press, Calcutta, the Honourable Sir Bhupendra Nath Mitra said that some of the memorials had been dealt with and that some were under his careful consideration?

(*b*) If the answer to part (*a*) be in the affirmative, will the Honourable Member in charge of Industries and Labour be pleased to state the steps that have since been taken? If not, why not?

The Honourable Sir Bhupendra Nath Mitra: (*a*) Yes.

(*b*) The memorials are still under the consideration of the Government of India.

†For answer to this question, *see* answer to question No 709.

MEMORIAL FROM THE LINO AND MONO OPERATORS OF THE GOVERNMENT OF INDIA PRESS, CALCUTTA

722. ***Mr. S. C. Mitra:** (*a*) Is it a fact that, in reply to my starred question No 624, dated the 18th September, 1929, regarding a memorial received from the lino and mono operators of the Government of India Press, Calcutta, the Honourable Sir Bhupendra Nath Mitra stated that the matter was still under consideration?

(*b*) If the answer to part (*a*) be in the affirmative, will Government be pleased to state what action since then has been taken in the matter? If not, why not?

The Honourable Sir Bhupendra Nath Mitra (*a*) Yes

(*b*) The matter is still under consideration

MEMORIAL FROM SECTION-HOLDERS OF THE GOVERNMENT OF INDIA PRESS, CALCUTTA

723 ***Mr. S. C. Mitra:** (*a*) Will Government be pleased to state whether it is a fact that in August, 1929, the section-holders of the Government of India Press, Calcutta, submitted a memorial to the Government through the proper channels, stating their legitimate grievances?

(*b*) If the answer to part (*a*) be in the affirmative, will Government be pleased to lay on the table a copy of the said memorial?

(*c*) Will Government be pleased to state what action, if any, they have taken or propose to take in the matter?

The Honourable Sir Bhupendra Nath Mitra: (*a*), (*b*) and (*c*) No such memorial of August 1929 has been received by Government But a memorial from section-holders dated the 6th August, 1928, was received by Government and rejected after due consideration Government do not propose to lay a copy of the memorial on the table of the House

RATES PAID TO CERTAIN CLASSES OF WORKERS IN THE GOVERNMENT OF INDIA PRESS, CALCUTTA

724. ***Mr. S. C. Mitra:** (*a*) Is it a fact that before the 21st June, 1928, the class rate of the compositors, distributors, binders and pressmen of the Government of India Press was on an equal basis while after the 21st June, 1928, the class rate has varied with different employees?

(*b*) If the answer to part (*a*) be in the affirmative, will Government be pleased to state the reasons thereof?

The Honourable Sir Bhupendra Nath Mitra: (*a*) Yes, except that different scales of rates were introduced from the 1st July, 1928, and that binders and pressmen were placed on the same scale.

(*b*) Different scales were prescribed on account of the difference in the average earnings of the different classes of piece-workers.

EARNINGS OF DISTRIBUTORS IN THE GOVERNMENT OF INDIA PRESS, CALCUTTA

725 ***Mr. S. C. Mitra:** (*a*) Is it a fact that in reply to my starred question No 634, dated the 18th September, 1929, regarding the earnings of distributors of the Government of India Press, Calcutta, the Honourable Sir Bhupendra Nath Mitra stated that inquiries were being made and results would be communicated in due course?

(*b*) Will the Honourable Member in charge of the Department of Industries and Labour be pleased to state the result of the inquiries made, if any?

(*c*) If the answer to part (*b*) be in the negative, will the Honourable Member be pleased to state the reasons thereof?

The Honourable Sir Bhupendra Nath Mitra: (*a*) Yes

(*b*) The result of the inquiry was communicated to the Honourable Member in a demi-official letter from the Department of Industries and Labour, No A-332, dated the 15th January, 1930, copies of which were also placed in the Library of the Legislative Assembly

(*c*) Does not arise

EARNINGS OF EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, CALCUTTA

726. ***Mr. S. C. Mitra:** (*a*) Is it a fact that the earnings of the pressmen of the Government of India Press are diminishing day by day?

(*b*) Will Government be pleased to lay on the table a comparative statement showing the earnings of any five pressmen of the Government of India Press with their names, for the months of March, April and May for the years of 1920 and 1929?

The Honourable Sir Bhupendra Nath Mitra: (*a*) and (*b*) Government have no information, but they are asking the Controller of Printing and Stationery to enquire into the matter

PAY OF READERS AND REVISERS IN THE GOVERNMENT OF INDIA PRESS, CALCUTTA

727. ***Mr. S. C. Mitra:** (*a*) Is it a fact that, in 1924, the junior readers of the Government of India Press were in the superior grade compared with the revisers?

(*b*) Is it a fact that by the revisions held in July 1928, the revisers of the Government of India Press have been placed in the same grade as that of a junior reader?

(*c*) Is it a fact that in reply to my starred question No 274, dated the 30th January, 1929, regarding the pay of readers and revisers in the Bengal Government Press, the Honourable Sir Bhupendra Nath Mitra stated that the duties of a reader are more responsible than those of a reviser?

(*d*) If the replies to parts (*a*), (*b*) and (*c*) be in the affirmative, do Government propose to consider the question of giving the junior readers a higher pay?

The Honourable Sir Bhupendra Nath Mitra: The attention of the Honourable Member is invited to the reply given by me to his starred question No 627 on the 18th September, 1929

PAY OF CERTAIN EMPLOYEES IN THE GOVERNMENT OF INDIA PRESS, CALCUTTA

728. ***Mr. S. C. Mitra:** (*a*) Is it a fact that the mono casters of the Government of India Press, Calcutta, are allowed less pay than the mono-casters of East Indian Railway and Eastern Bengal Railway Presses?

(*b*) If the reply to part (*a*) be in the affirmative, will Government be pleased to state the reasons thereof?

(*c*) Is it a fact that Government is contemplating to place them on the same status? If not, why not?

(*d*) Will Government be pleased to lay on the table a comparative statement showing the pay drawn by the mono-casters of the Government of India Press, East Indian Railway Press and the Eastern Bengal Railway Press?

The Honourable Sir Bhupendra Nath Mitra: (*a*), (*b*), (*c*) and (*d*) Government have not before them any proposal to revise the pay of the mono-casters of the Government of India Press, Calcutta, on the basis of the scale obtaining in the Presses of the East Indian and Eastern Bengal Railways. The information desired by the Honourable Member in parts (*a*) and (*d*) is being obtained and will be supplied to him in due course.

PAY OF CERTAIN EMPLOYEES IN THE GOVERNMENT OF INDIA PRESS, CALCUTTA

729. ***Mr. S. C. Mitra:** (*a*) Is it a fact that in reply to unstarred question No 84, put by Mr K C Neogy on the 31st August, 1926, regarding the earnings of certain employees of the Government of India Press, Calcutta, the Honourable Sir Bhupendra Nath Mitra replied that the salaries at present paid to the lino-operators of the Government of India Press Calcutta, were Rs 100—5—125?

(*b*) Will Government be pleased to lay on the table a statement showing the names of the lino-operators with their salaries drawn on the pay sheets and the increments allowed to them for the months of June to December 1929?

The Honourable Sir Bhupendra Nath Mitra: (*a*) Yes

(*b*) The statement desired by the Honourable Member will be supplied to him in due course

PAY OF CERTAIN EMPLOYEES IN THE GOVERNMENT OF INDIA PRESS, CALCUTTA

730. ***Mr. S. C. Mitra:** (*a*) Is it a fact that before July 1928, the galley proof pressmen, forme-carriers and the labourers of the Government of India Press were on the same grade?

(*b*) Is it a fact that after July 1929 the pay of the galley proof pressmen and form-carriers were increased while that of the labourers remained the same?

(c) If the replies to parts (a) and (b) be in the same, will Government be pleased to state the reasons thereof?

The Honourable Sir Bhupendra Nath Mitra: (a) No

(b) No, but certain increases in pay were granted to galley and forme proof pressmen and to forme carriers from July 1928

(c) Does not arise

PAY OF CERTAIN EMPLOYEES IN THE GOVERNMENT OF INDIA PRESS, CALCUTTA

731 ***Mr. S. C. Mitra:** (a) Will Government be pleased to state whether it is a fact that the readers of Government of India Press, Calcutta, submitted a memorial to the Government through the proper channel stating their legitimate grievances in October 1929?

(b) If the answer be in the affirmative, will Government be pleased to lay on the table a copy of the said memorial?

(c) Will Government be pleased to state what action, if any, they have taken or have proposed to take in the matter?

The Honourable Sir Bhupendra Nath Mitra: (a) Six memorials in identical terms bearing the date, 29th November, 1929, were received from certain readers in the Government of India Press, Calcutta

(b) Government do not propose to lay a copy of the memorial on the table of the House

(c) The memorials have been rejected

MEMORIAL FROM VILLAGERS SERVED BY THE NALDHI POST OFFICE

732 ***Mr. S. C. Mitra:** (a) Is it a fact that the villagers of Sankarpore, under the Naldhi Post Office in the district of Jessore submitted five memorials to the Government through the Divisional Superintendent in the months of April, May, June, July and August 1929, praying for the daily *bit* in their village?

(b) Is it a fact that no reply was given to any of these memorials?

(c) If the replies to parts (a) and (b) be in the affirmative, will Government be pleased to state the reasons why no reply was given to any of these memorials?

The Honourable Sir Bhupendra Nath Mitra: (a) The representations referred to by the Honourable Member have not reached Government. Presumably, they refer to the introduction of a daily delivery instead of an intermittent one at the village of Sankarpore This is a matter for examination by the Postmaster-General, Bengal and Assam, to whom a copy of the Honourable Member's question is being forwarded

(b) and (c) The absence of a reply is explained by the answer given to part (a) above.

PAY OF EMPLOYEES OF THE EASTERN BENGAL RAILWAY PRESS

733 ***Mr. S. C. Mitra:** (*a*) Is it a fact that the Director of the Railway Board wrote a letter to me on the 28th March, 1929, stating that the introduction of the graded scale of pay for the employees' of the Eastern Bengal Railway Press is under consideration?

(*b*) If the answer to part (*a*) be in the affirmative, will the Honourable Member in charge of Railways and Commerce be pleased to state the reasons for the delay in giving effect to the proposal?

Mr. A. A. L. Parsons: (*a*) Yes

(*b*) The question requires careful investigation It is hoped that a decision will be arrived at shortly

PAY OF EMPLOYEES OF THE EASTERN BENGAL RAILWAY PRESS

734 ***Mr. S. C. Mitra:** (*a*) Is it a fact that in reply to my starred question No 635 of the 18th September 1929 regarding a memorial of certain employees of the Eastern Bengal Railway Press, Mr P R Rau said that the Agent, Eastern Bengal Railway, had been requested to deal with the memorial of the compositors, distributors and binders of the Eastern Bengal Railway Press of the 23rd May, 1929, expeditiously?

(*b*) If the answer to part (*a*) be in the affirmative, will Government be pleased to state what action they have taken in the matter?

Mr. A. A. L. Parsons: (*a*) Yes

(*b*) I would refer the Honourable Member to the reply given to question No 69 asked by Khan Bahadur Sarfaraz Hussain Khan on the 20th January, 1930 The question of the revision of rates of pay of the Press employees of the Eastern Bengal Railway is still under consideration

PAY OF EMPLOYEES OF THE EASTERN BENGAL RAILWAY PRESS.

735 ***Mr. S. C. Mitra:** (*a*) Is it a fact that in reply to my questions dated the 1st September, 1929, the Deputy Director, Railway Board, informed me that the lowest income of the binders of the Eastern Bengal Railway Press decreased from Rs 9-4-0 in 1927 to Rs 4-2-8 in 1928, due to the falling off of output?

(*b*) If the answer to part (*a*) be in the affirmative, will Government be pleased to state what action they have taken to increase the output?

(*c*) Will the Honourable Member in charge of Railways and Commerce be pleased to lay on the table a statement showing the attendance of the binders of the Eastern Bengal Railway Press and the wages received during the years 1927 and 1928?

Mr. A. A. L. Parsons: (*a*) Yes

(*b*) Government do not propose to take any steps to increase the output of binding work in the Eastern Bengal Railway Press beyond what is necessary to meet the requirements of the Railway

(*c*) Government regret they are not prepared to call for the information as it cannot be procured without an expenditure of time and labour that would be entirely incommensurate with the value of the results obtained

PAY OF EMPLOYEES OF THE EASTERN BENGAL RAILWAY PRESS.

736 ***Mr. S. C. Mitra:** (*a*) Will Government be pleased to state whether the distributors, binders, pressmen, machinemen, forme-carriers, galley-proof pressmen in the Eastern Bengal Railway Press are in inferior service and whether their brethren in the Government of India Press are not?

(*b*) If the answer to part (*a*) be in the affirmative, will Government be pleased to state whether they contemplate to put the distributors, etc , of the Eastern Bengal Railway Press on the same status with their brethren of other Government Presses? If not, why not?

Mr. A A. L. Parsons: With your permission, Sir, I propose to reply to questions Nos 736, 737 and 739 together

I am calling for the information and will communicate with the Honourable Member on its receipt

HOLIDAYS ALLOWED IN THE EASTERN BENGAL RAILWAY PRESS

†737 ***Mr. S. C. Mitra:** (*a*) Are Government aware that the employees of the Eastern Bengal Railway enjoyed gazetted holidays till 1929, while in 1930 the sanctioned holidays are only those under the Negotiable Instrument Act?

(*b*) If the answer to part (*a*) be in the affirmative, will Government be pleased to state under whose authority this change has been given effect to?

(*c*) Is it a fact that the employees of the Eastern Bengal Railway Press had to work during the Durgah Puja and Christmas holidays?

(*d*) If it is so, will Government be pleased to state whether the said employees received any extra wages for working during those periods? If not, why not?

PAY OF EMPLOYEES OF THE EASTERN BENGAL RAILWAY PRESS

738 ***Mr. S. C. Mitra:** (*a*) Is it a fact that the binders of the Eastern Bengal Railway Press are not paid at the same rate as the binders of the Government of India Press?

(*b*) Will Government be pleased to lay on the table a comparative statement showing the rate at which the binders of the Government of India Press and Eastern Bengal Railway Press are paid for binding 100 foolscap size with leather?

(*c*) If the answer to part (*a*) be in the affirmative, will Government be pleased to state the reasons therefor though both the presses are situated in Calcutta?

Mr. A. A. L. Parsons: (*a*) Yes

(*b*) I am calling for the information and will communicate with the Honourable Member on its receipt

(*c*) Some of the binders in the Government of India Press are employed on high class leather work and some are capable of making and are called upon to make, artistic bindings, whereas the binders of the Eastern Bengal Railway Press are required to do merely the commonest and cheapest forms of work

†For answer to this question, *see* answer to question No 736

PAY OF EMPLOYEES OF THE EASTERN BENGAL RAILWAY PRESS.

†739 ***Mr. S. C. Mitra:** (*a*) Is it a fact that the clerks and readers of the East Indian Railway Press are allowed to draw Calcutta allowances and that the readers of the Eastern Bengal Railway Press are not allowed the same?

(*b*) If the answer to part (*a*) be in the affirmative, will Government be pleased to state the reason thereof?

COMPLETION OF THE BATALA-BEAS RAILWAY

740 ***Sardar Gulab Singh:** (*a*) Is it a fact that Government have recognised the desirability of completing the Batala-Beas Railway at an early opportunity?

(*b*) Is it a fact that since the temporary suspension of the construction work, the inhabitants of the said locality have submitted a number of petitions to the Government praying for the early completion of the line?

(*c*) If the reply to these questions be in the affirmative, do Government propose to effect the earliest construction of the unfinished portion of the line in keeping with their policy to push schemes already in hand to completion?

Mr. A. A. L. Parsons: (*a*) Yes

(*b*) Yes

(*c*) Yes as soon as the more important lines have received their full allotment of funds

APPOINTMENT OF SIKHS IN THE RAILWAY SUBORDINATE ACCOUNTS SERVICE

741 ***Sardar Gulab Singh:** (*a*) Will Government please state the percentage of Sikhs in the Railway Subordinate Accounts Service as compared with the total number and the minority communities?

(*b*) Is it a fact that an examination was recently held to fill up certain vacancies in that service?

(*c*) If so, how many vacancies are there in all to be filled up?

(*d*) Do Government propose to reserve some of these vacancies for the minority communities?

(*e*) If so, will Government please state how many of these will be given to the Sikhs?

Mr. A. A. L. Parsons: (*a*) Government regret that they are not prepared to undertake the labour of compiling the figures

(*b*) Yes A competitive examination was held in October, 1929, for the recruitment of clerks

(*c*) and (*d*) The number of posts offered for competition was 80 of which 27 were reserved for members of the minority communities Only 13 members of those communities, however, reached the minimum standard necessary for the offer of an appointment

(*e*) Seven appointments were offered to Sikhs

†For answer to this question, *see* answer to question No 736

AGE LIMIT FOR EXAMINATIONS OF THE PUBLIC SERVICE COMMISSION.

742 *Sardar Gulab Singh: (a) Will Government be pleased to state the age limit fixed for the candidates who sat for the examination of the Public Services Commission in November, 1929, for the Ministerial Selection Branch?

(b) Will the departmental candidates be allowed to appear in the future competitive examinations irrespective of their age provided they are educationally qualified? If not, what will be the age limit prescribed for them?

The Honourable Sir James Crerar: I would refer the Honourable Member to my reply on the 19th March to starred question No 660

†743*

SPECIAL RECRUITMENT OF MR A J CUNNINGHAM TO THE EAST INDIAN RAILWAY OFFICE

744 *Mr. Abdul Latif Sahib Farookhi: (a) Is it a fact that one, Mr. A J Cunningham was recruited in the East Indian Railway office in 1927-28 as an accountant on an initial pay of Rs 270 per mensem? If so, what are the special circumstances for this recruitment?

(b) Has Mr Cunningham, who is an inexperienced man, since been made an officer? Is he related to the first Controller, Railway Accounts?

(c) Is it not a fact that special posts were created to keep Mr Cunningham on as an officer without reversion?

(d) Will Government please state if this officer is to be sent to England shortly at Government expense for learning methods of accounting?

Mr. A. A. L Parsons: (a) Mr A J Cunningham was appointed as an accountant on the East Indian Railway in 1926 on an initial pay of Rs 210 per mensem in view of his educational qualifications and banking experience

(b) The first part contains an assumption that is not correct Mr Cunningham is at present officiating as an Assistant Accounts Officer The answer to the second part of the question is in the negative

(c) No

(d) No

FRAUD IN THE NORTH WESTERN RAILWAY WORKSHOP ACCOUNTS OFFICE AND UNFAIR PROMOTIONS BY MR I. S PURI, SPECIAL OFFICER, DIRECTOR OF RAILWAY AUDIT OFFICE

745. *Mr. Abdul Latif Sahib Farookhi: (a) Will Government be pleased to state whether it is a fact that a serious fraud, running to several lakhs of rupees, has recently been unearthed in the North Western Railway Workshop Accounts Office?

(b) If so, have they taken immediate steps to transfer the men concerned to other places to enable them to investigate the matter fully?

†This question was withdrawn by the questioner

(c) What steps have been taken to conduct an impartial and independent inquiry into the matter other than by the present Chief Accounts Officer?

(d) Is it a fact that a number of clerks involved in the fraud are related to Mr I S Puri, Special Officer, Director of Railway Audit Office?

(e) Is it a fact that Mr I S Puri was responsible for what is known as training reserve clerks on the North Western Railway, and that he promoted them later, giving them five years' additional service, which adversely affected qualified hands who had less than five years service? If so, will Government please state the number of men so affected, and what steps they propose to take to compensate these men?

(f) Is it a fact that Mr I S Puri is being transferred to the office of the Chief Controller, Railway Accounts? If so, in what capacity will he work in that office?

Mr. A. A. L. Parsons: (a) Facts have come to knowledge, which suggest a somewhat serious defalcation of Government money in the North Western Railway Workshop Accounts Office in connection with Muster Rolls and Pay Sheets paid out by one particular clerk The amount involved so far as at present known, is about Rs 55,000

(b) No One man has been placed under arrest and all the relevant records have either been handed over to the Police or are kept by the Chief Accounts Officer in his personal custody

(c) In addition to the departmental inquiry, which is being made by the Chief Accounts Officer the Police are now conducting an investigation

(d) No

(e) The reply to the first part of the question is in the negative The credit of services referred to was in accordance with a ruling of the Auditor General In view of the reply to the first part of the question the second part does not arise

(f) He is being placed in a month or so on Special Duty under the Controller of Railway Accounts to draft the Railway Account Code

Mr. Vidya Sagar Pandya: What is the amount involved?

Mr. A. A. L. Parsons: My present information is that it is about Rs 55,000, but it may be more The fraud had been going on for some considerable time and I cannot therefore at present guarantee that this is the final figure

†746*

RENT FOR FANS SUPPLIED TO LOW-PAID CLERKS IN NEW DELHI

747 ***Mr. Abdul Latif Sahib Farookhi:** (a) Are Government aware that a great hardship is being felt by the low-paid clerks of the attached and subordinate offices who are left over in New Delhi and who are occupying Public Works Department quarters?

(b) Is it a fact that like electric lamps and meters, the fans form part of electric fittings under the rules issued in the Department of Industries and Labour Notifications, dated the 30th March, 1930? If so, why is rent charged on them?

†This question was withdrawn by the questioner

(c) Are Government prepared to settle the matter immediately as it has been pending since the 30th March, 1929? Do Government intend to refund the rent for fans already charged? If not, why not?

The Honourable Sir Bhupendra Nath Mitra: (a) Government are not aware that any hardship is felt by the clerks in question

(b) and (c) It is true that under the Notification referred to electric fans, like electric lamps and meters, form part of the electric fittings, and their cost is included in the capital cost of a residence for the purpose of assessment of rent In the case of residences in Delhi, however, it has been decided not to treat fans as part of the fittings for the period prior to the 1st April, 1929 As regards the period from the 1st April, 1929, onwards, the matter is at present receiving consideration

PAY OF MINISTERIAL ESTABLISHMENT OF THE CENTRAL BOARD OF REVENUE

748. ***Mr. Abdul Latif Sahib Farookhi:** (a) Is it a fact that the members of the ministerial establishment on the attached office scale of the Central Board of Revenue have submitted a memorial for the grant of Secretariat scale of pay?

(b) Is it also a fact that more than a year has elapsed since the submission of the above memorial?

(c) Is it a fact that the Central Board of Revenue works just like a Department of the Government of India?

(d) If the replies to the above questions be in the affirmative, will the Honourable the Finance Member be pleased to state what action he has taken on this memorial?

The Honourable Sir George Schuster: (a) and (b) Yes The memorial was forwarded to the Government of India by the Central Board of Revenue in November 1929, with their recommendations

(c) The reply is in the negative

(d) The memorial is under consideration along with a representation from the Government of India Subordinate and Attached Offices Association regarding an increase of pay in all the attached offices, and the Government of India hope to arrive at a decision after the close of the present session

EXAMINATIONS FOR THE UPPER DIVISION OF THE SECRETARIAT

749. ***Mr. Abdul Latif Sahib Farookhi:** (a) Is it a fact that some of the departmental candidates who appeared from Attached Offices in the clerical examination held by the late Staff Selection Board in 1922 and were declared qualified as Assistants (Attached Offices) merely because they were at that time employed in such offices?

(b) Is it a fact that a number of candidates referred to above obtained the minimum number of marks fixed for the Upper Division Secretariat and that they had stated in their applications for admission that they were to appear for the Upper Division Secretariat?

(*c*) Is it also a fact that some of the candidates referred to in part (*b*) above have since been declared qualified as Assistants of the **Secretariat?**

(*d*) If the reply to part (c) be in the affirmative, and in view of the reply given by the Honourable the Home Member to this House in 1927 that there was no distinction in the examinations for the Upper Division Secretariat and that of Attached Offices since and onwards from 1922, are Government prepared to ask the Public Service Commission to declare all such candidates who obtained the required minimum marks in 1922 as qualified for the Upper Division Secretariat? If not, why not?

The Honourable Sir James Crerar: (*a*) and (*b*) The main object of the examination so far as departmental candidates were concerned was to enable them to qualify for promotion in the offices in which they were employed They were admitted to the Upper Division Secretariat grade if they obtained sufficient marks and were recommended therefor by the Head of the department

(*c*) I have no information to this effect

(*d*) Does not arise

NUMBER OF MEMBERS OF EACH COMMUNITY IN THE DIFFERENT GRADES OF THE SECRETARIAT.

750 ***Mr. Abdul Latif Sahib Farookhi:** Will Government be pleased to lay on the table a statement showing separately since the year 1915—1929 the number of Hindus, Muslims and Christians in each Department of the Government of India and the Departments subordinate to it located at Simla and Delhi in each grade *i e*, (i) Superintendents' grade, (ii) selection grade, (iii) first division, and (iv) second division?

The Honourable Sir James Crerar: Statements showing the communal strength of the clerical staff of the Departments of the Government of India and its attached and subordinate offices for the years 1911, 1925, 1926, 1927 and 1928, will be found in the Library of the House I regret that I have not the further detailed information asked for by the Honourable Member Its collection would involve an amount of time and labour which I am afraid I could not regard as reasonable

Mr. Abdul Latif Sahib Farookhi: Is it not a fact that on the 1st of January every year, the Home Department of the Government of India prepares a list from information received from the various departments?

The Honourable Sir James Crerar: A statement is published annually showing the communal strength of each department

NUMBER OF MEMBERS OF EACH COMMUNITY IN EACH GRADE OF THE OFFICE OF THE ACCOUNTANT GENERAL, MADRAS.

751. ***Mr. Abdul Latif Sahib Farookhi:** Will Government be pleased to state the number of Hindus, Muslims and Christians, permanent and acting, with their pay, in each grade in the Office of the Accountant General Madras?

The Honourable Sir George Schuster: A statement giving the information required by the Honourable Member is laid on the table

Grade	Scale of pay.	Hindus		Muslims		Christians	
		Permanent	Acting	Permanent	Acting	Permanent	Acting.
	Rs						
Senior Accountants . .	300—20—500—50-5—550	4					
P W Divl Accountants .	100—10—270—30 5—300	7	.				
S A S Accountants .	(a) 190—20—450 (b) 190—20—310—15—400	31	1			2	..
Clerks . . .	40—7—75—6—135—5—175	314	82	12	2	14 4*	4 2*
Typists	40—10—2½—65—3/2—80	8	1	1		.	..
Comptometer	Ditto	1		1		.	.
Telephone Operator . . .	Ditto	1	.			..	
Shroff	30—2—50—2—70	1					
Record Clerks . . .	25—1—50	27	13	4	3	2 1*	1
Note Verifiers	(i) 80—5—130 (ii) 40—5—90	13	5	2	1		..

(a) For those who were in the cadre before 1st March, 1925.
(b) For those who entered the cadre on and after 1st March, 1925.
(i) For Quantity Checkers
(ii) For Quantity Checkers
Figures marked with an asterisk indicate the numbers of Anglo-Indians.

APPOINTMENT OF A MUSLIM AS HEADMASTER OF THE GOVERNMENT HIGH SCHOOL, DELHI

752. ***Mr Abdul Latif Sahib Farookhi:** (*a*) Will Government please state whether any Muslim has ever been appointed as Headmaster in the Government High School, Delhi, during the last 25 years?

(*b*) If the reply to part (*a*) be in the affirmative, will Government please state the name of the Headmaster, and the period for which he acted?

(*c*) If the reply to part (*a*) be in the negative, will Government please state whether they ever asked the Punjab Education Department to transfer any Muslim to hold the post of the Headmaster, Government High School, Delhi?

Sir Frank Noyce: (*a*) No

(*b*) Does not arise

(*c*) I regret that information on this point is not readily available

STAFF OF THE GOVERNMENT HIGH SCHOOL, DELHI

753 ***Mr. Abdul Latif Sahib Farookhi:** (*a*) Will Government place on the table a statement of the present staff of the Government High School, Delhi, showing names, designations, pay, length of service, and their periods of service in the Government High School, Delhi?

(*b*) Are there any teachers who have been teachers on the staff of the said school for more than ten years? If so, do Government propose to arrange their transfer elsewhere to break the existing monopoly, keeping in view the long standing grievances of Muslims?

(*c*) Is it a fact that the five top posts among Anglo-Vernacular teachers of the Government High School, Delhi, are occupied by non-Muslims and have been so occupied for a long period?

Sir Frank Noyce: (*a*) A statement is laid on the table

(*b*) Yes The question will be considered, but it may be remarked that no monopoly exists

(*c*) Yes

Statement of the present staff of the Government High School, Delhi.

	Name	Designation	Pay	Length of service		Period of service in this school	
			Rs	Years	Months	Years	Months
1	Pt Hari Kishan Kaul, B A , P E S	Headmaster	525	25	3		11
2	L Daulat Singh, B A., S A.V .	2nd master	230	25	2	21	0
3	L Raghbir Chand, B A., S A V . .	3rd master	190	25	7	8	0
4	L Suraj Bhan, B A , B T . .	4th master	170	16	9	11	9
5	L Ramcharan Das, B A , S A V .	5th master	140	21	2	4	7
6	L Maha Narain, S A V , S C C , E E	2nd clerical and commercial master	135	19	8	15	0
7	M Inayat-ur-Rahman, B A , S A V .	6th master	135	5	2	1	10
8	L Ram Rakha Mal, B A , B T	7th master	125	5	9	5	0
9	L Kanhya Lal, M F , S V	Oriental master	120	26	11	4	1
10	M Badrul-Islam, S D M .	Drawing master	120	23	3	23	3
11	M Misbaul Haq, B A , B T .	Sr Eng master .	115	1	5	1	5
12	L Zorawar Chand, E E , S A V	8th master	110	23	1	9	2
13	L Kidar Nath, E E , S A V .	9th master	100	24	7	14	4
14	L Kunj Bihari Lal, B A , B T .	10th master	100	13	6	13	6
15	M Marghoob Ahmad, E E , J A V	Eng master	96	23	7	18	5
16	P Damodar Lal Shastri	Sanskrit teacher	92	21	9	21	9
17	M. Abdul Tawab, Mv , A M F O T .	Arabic teacher	88	19	8	4	5
18	M Abdul Majid, J V , S D M , J D , M A V M	Drill Instructor	84	28	2	24	8
19	Pt Brahm Dutta, F A , J A V .	Jr Eng teacher	70	8	11	3	3
20	M Bashir Hussain, B A , J A V .	Ditto	70	4	10	3	3
21	Pt. Shiv Nath Shastri . . .	Hindi	61	20	9	6	9
22.	M Mohd Farooq, E E , J A V . .	Vernacular master	38	2	10	1	5

STAFF OF THE GOVERNMENT HIGH SCHOOL, DELHI

754 ***Mr. Abdul Latif Sahib Farookhi:** (*a*) How many teachers were employed in the advanced clerical classes attached to the Government High School, Delhi, and how many of them are non-Muslims, and what are their names?

(*b*) Has the staff of the advanced clerical classes been confirmed? If not, are Government prepared to consider the desirability of replacing any two of the present temporary staff by appointing qualified Muslims?

Sir Frank Noyce: (*a*) Four, all of whom are non-Muslims Their names are—

Hans Raj Kawlra,
Dina Nath Handa,
Shiv Chand, and
Babu Lal Bhargava

(*b*) The answer to the first part of the question is in the negative As regards the second part, the question will be considered when a vacancy occurs

QUALIFICATIONS OF THE HEADMASTER, GOVERNMENT INDUSTRIAL SCHOOL, DELHI

755 ***Mr. Abdul Latif Sahib Farookhi:** (*a*) Will Government kindly state the academic technical, and industrial qualifications of the Headmaster, Government Industrial School, Delhi?

(*b*) Are Government aware that men of his technical and industrial qualifications are not considered suitable and capable for appointment as Headmasters of Industrial Schools of the middle standard in the two neighbouring provinces of the Punjab, and the United Provinces?

(*c*) In the interest of technical education, do Government propose to consider the desirability of appointing a duly qualified Headmaster for the said school? If not, why not?

(*d*) Are Government aware that on the provincialisation of the M B Industrial School, Delhi, the entire staff of the School with the single exception of the Headmaster was taken into Government service on probation, while the Headmaster was taken permanently from the date of provincialisation?

(*e*) Will Government please state the reasons why the Headmaster was treated differently from other members of the staff?

The Honourable Sir Bhupendra Nath Mitra: (*a*) The Headmaster is a B A, S A V (1st Division), B T trained, he holds a drawing master's certificate and has been employed in his present school from 1908 He has also visited schools of Art Industrial schools and other places of educational value in England, France Switzerland, etc

(*b*) Government have no information

(*c*) Government consider the Headmaster fully qualified for the post he holds

(*d*) Yes.

(e) As the Inspector of Industrial Schools, Punjab, reported that the Headmaster's work was of outstanding excellence for years, it was not considered necessary to place him on probation

APPOINTMENT OF MUSLIM TEACHERS IN THE GOVERNMENT INDUSTRIAL SCHOOL, DELHI

756 ***Mr. Abdul Latif Sahib Farookhi:** (a) Will Government kindly state the numerical strength of (i) Muslim pupils, (ii) non Muslim pupils, (iii) Muslim teachers, and (iv) Non-Muslim teachers of the general side of instruction of the Industrial School, Delhi?

(b) In case there is an overwhelming majority of Muslim pupils, and a disproportionate majority of non-Muslim teachers of the general side, are Government prepared to consider the desirability of increasing the proportion of Muslim teachers in the school?

(c) Is it a fact that when the only Muslim teacher of the general side of the school proceeded on leave, a non-Muslim was appointed in his place?

(d) If the reply to part (c) be in the affirmative, will Government please state whether any efforts were made to secure the services of a Muslim candidate? If not, why not?

The Honourable Sir Bhupendra Nath Mitra: (a) (i) 219

(ii) 72

(iii) 1

(iv) 4

(b) Government will give due consideration to the suggestion when a vacancy occurs

(c) and (d) The facts are that when the permanent incumbent (a Muslim) went on leave another Muslim was appointed to officiate in his place, subsequently this latter teacher proceeded to the Normal School for training and a Hindu was appointed to officiate in his place

AFFECTION WITH PYORRHEA OF MR MUZAFFAR AHMAD, AN ACCUSED IN THE MEERUT CONSPIRACY CASE

757 ***Maulvi Abdul Matin Chaudhury:** (a) Will Government be pleased to state whether Mr Muzaffar Ahmad, one of the accused in the Meerut Conspiracy Case has been, according to three Indian Medical Service officers of Meerut, suffering from a serious type of pyorrhea alveolaris?

(b) Is it a fact that Major Macrae, I M S, the Officer Commanding and Radiologist of the British Military Hospital at Meerut, after X-raying the gums and skull of Mr Muzaffar Ahmad, deposed in the Court of the Additional District Magistrate of Meerut that if not properly attended to the pyorrhea might even endanger the life of Mr Muzaffar Ahmad?

(c) Is it a fact that Mr Muzaffar Ahmad demanded treatment by expert American dental surgeons of Calcutta and prayed for bail, leave or transfer to the Alipore Central Jail, Calcutta, to receive such treatment?

(*d*) Is it a fact that the Additional District Magistrate of Meerut never passed any order on the above mentioned prayer of Mr Muzaffar Ahmad?

(*d*) Is it a fact that subsequently Mr Muzaffar Ahmad's teeth were examined by the Military Dental Surgeon, Captain Burke, who suggested the extraction of seventeen teeth?

(*f*) Is it a fact that Mr Muzaffar Ahmad applied to the effect that, before submitting to such a drastic treatment a joint opinion of Dr Ahmad, D D S and Dr S C Sen Gupta, D D S, the well-known dental surgeons of Calcutta, should be obtained, and for that purpose the X-ray photographs of Mr Muzaffar Ahmad's gums and skull be sent to them together with the written opinion of Major Macrae and Captain Burke?

(*g*) Is it a fact that the Jail Superintendent inquired of Mr Muzaffar Ahmad as to who would pay the consultation fees of the above mentioned dental surgeons of Calcutta, to which Mr M Ahmad replied that he being in prison, he was not in a position to pay the same?

(*h*) Is it a fact that on receipt of this reply from Mr Muzaffar Ahmad, Lieut -Colonel Rahman referred the matter to the Military Dental Surgeon, who opined that the seeking of opinion from Calcutta dental surgeons was not at all necessary on this matter?

(*i*) Is it a fact that Mr M Ahmad's not submitting himself to the treatment of Captain Burke without consultation of expert opinion, the treatment of his pyorrhea has been altogether dropped at this stage? If so, taking the seriousness of Mr M Ahmad's disease into consideration, do the Government propose to take any further steps in the matter?

The Honourable Sir James Crerar. I am making inquiries and will communicate with the Honourable Member in due course

Ill-health of Mr Muzaffar Ahmad, an Accused in the Meerut Conspiracy Case

†758 ***Maulvi Abdul Matin Chaudhury:** (*a*) Will Government be pleased to state whether Mr Muzaffar Ahmad was sentenced to four years' rigorous imprisonment in what was known as the Cawnpore Communist Conspiracy Case?

(*b*) Is it a fact that he was released from Jail before the expiry of his sentence under orders from the Government of India on the ground of ill-health?

(*c*) Is it a fact that this ill-health was nothing but pulmonary tuberculosis?

(*d*) Is it a fact that Rai Bahadur Dr D K Mukherji, the Superintendent of Rae Bareli District Jail, where Mr M Ahmad passed the major portion of his convict life, reported to the Government that Mr M Ahmad was attacked with pulmonary tuberculosis?

(*e*) Is it a fact that in the "Convicts History Ticket" the name of the disease of Mr Muzaffar Ahmad was stated as tuberculosis?

†For answer to this question, *see* answer to question No 757

(*f*) Is it a fact that on inquiry from the District Magistrate of Meerut, Lieut -Colonel Cooke, I M S , the Superintendent of Dehra Dun District Jail, reported that Mr Muzaffar Ahmad was suffering from tubercles in his lung?

(*g*) Is it a fact that Dr Bhopal Singh, M B B S , of Meerut after examining Mr M Ahmad physically and taking the X-ray report of Major Macrae into consideration, opined that Mr M Ahmad was still suffering from an active tuberculosis ?

(*h*) Is it a fact that when Mr M Ahmad applied to the Allahabad High Court to be released on bail on the ground of an attack of tuberculosis, Mr R H Horton, the Deputy Inspector General of Police, United Provinces, and the complainant of the Meerut case on behalf of the Government of India, filed an affidavit saying that Mr, Muzaffar Ahmad was not attacked with tuberculosis in 1925 when he was released from Jail?

(*i*) Is it a fact that Mr M Ahmad fainted in Court on the 4th of December, 1929?

RAILWAY SALOONS FOR MEMBERS OF THE EXECUTIVE COUNCIL.

759. ***Mr. Sarabhai Nemchand Haji:** (*a*) Is it a fact that Government propose to construct four new saloons for Members of the Executive Council at a total cost of Rs 3,61,704?

(*b*) Are the four saloons intended to replace the saloons built over 20 years ago?

(*c*) What was the original cost of these saloons and what would be the cost of building similar saloons today?

(*d*) Are Government aware that Cabinet Ministers in England are not in the habit of travelling in specially constructed saloons even when they travel long distances, for example, to Geneva?

(*e*) Do Executive Councillors accommodate their personal assistants in the same carriage that is occupied by them? If so, why?

(*f*) Why is it stated in the statement submitted to the Standing Finance Committee that "For these reasons it was not possible for Honourable Members to carry on their ordinary work while travelling in these saloons"?

The Honourable Sir George Schuster: (*a*) Yes New saloons have been constructed as a normal replacement

(*b*) Yes To replace six saloons built over 25 years ago

(*c*) The cost of the original six saloons was Rs 1,68,000 They are out of date and it is difficult to estimate accurately the present cost of replacing saloons of that type, but it would be approximately double the original cost

(*d*) The Government of India have no information

(*e*) Yes Their personal assistants who are also their stenographers may be required at any time to do work for Members in the course of a journey and it is therefore the most economical arrangement that they should be close at hand It also may sometimes happen that Members' saloons are attached to trains on which no passenger accommodation is available

(*f*) The old saloons were out of date and unserviceable for their purpose

With reference to the general implication of these questions it should be pointed out that a system of pooling saloons has now been introduced for the first time For this purpose the saloons retained for the use of Members of the Executive Council and of the Railway Board will be treated in future as a common pool The requirements will be carefully watched with a view to reducing the number maintained to a minimum It is hoped that this will ultimately result in a considerable economy

Sir Hari Singh Gour: May I inquire for how many days in the year these saloons are used by the Honourable Members of the Executive Council?

The Honourable Sir George Schuster: I am afraid I must have notice of that question

Mr. Vidya Sagar Pandya: May I inquire whether Cabinet Ministers in England travel by saloons?

The Honourable Sir George Schuster: I have already answered that question when I said that the Government of India have no information on the subject

Mr. Vidya Sagar Pandya: Will the Government ascertain and let us know?

Mr. M. S. Aney: May I ask whether in the pooling of saloons those used by Members of Provincial Executive Councils also will be taken into consideration?

(No answer was given)

Pandit Hirday Nath Kunzru: With reference to the answer to part (*d*) of the question, may I ask whether the Honourable the Finance Member himself can furnish any information to the Government of India?

The Honourable Sir George Schuster: I am very glad to give the Honourable Member an expression of my own opinion on the subject As far as I know, it is a fact that no saloons are supplied to British Cabinet Ministers But I submit, Sir, that the circumstances are entirely different A British Cabinet Minister is not in the ordinary course of his duty called upon to undertake long tours when he may be living for several days or even weeks in a railway carriage, which often happens to Members of the Executive Council when they are making long tours in India It might interest the Honourable Member to know that I have considerable personal experience of conditions in Africa where, I can tell him, that persons in the position of Members of the Executive Council are always provided with saloons in which they can travel about and do their work on tour, and I can tell him also that the standard of comfort in railway journeys to which I myself was entitled in the Sudan was in fact considerably higher than that which I have as a Member of the Executive Council in India

Sir Hari Singh Gour: May I ask the Honourable the Finance Member whether the saloons provided in Africa are specially built at Government expense, or are the saloons hired for the purpose?

The Honourable Sir George Schuster: My own personal experience chiefly relates to the Sudan, where the Government Railway Service keeps saloons for the use of Members of Council and other high officials whenever they make tours in the country

Mr. Lalchand Navalrai: Will the Honourable Member please say whether the Honourable the President of the Assembly is provided with a saloon?

Mr. President: Order, order.

Mr. K. C. Neogy: Sir, is it the intention of Government to build two more saloons in future, or to reduce the number of saloons for Members of the Executive Council to four as a matter of retrenchment?

The Honourable Sir George Schuster: I have already explained the position as regards that question It is intended now, instead of each Member having his own saloon, that there shall be a pool of saloons, the object being to reduce the number that is maintained to the minimum which is found consistent with the needs of the situation The first step has been to reduce the number of saloons from six to four It may be possible to effect a still further reduction

Mr. K. C. Neogy: What will then happen, Sir, during Christmas, when all the six Members of the Executive Council are supposed to be on tour?

The Honourable Sir George Schuster: I am glad to see—if I am correct in understanding from the Honourable Member's question—that he is solicitous about the comforts of Members of the Executive Council I have no doubt that we shall be able to get over that difficulty by supplementing the saloons which are reserved for the special use of Members of the Executive Council by borrowing tourist cars for the purpose

Mr. Sarabhai Nemchand Haji: May I know, Sir, if it will not be possible to provide reasonable amenities and comforts by allowing each Executive Councillor to travel in a reserved first class compartment, and by asking his personal assistant to travel in a second class reserved compartment, if necessary? Would that not cover the requirements of the case?

The Honourable Sir George Schuster: If the Honourable Member had any knowledge of what a Member of the Executive Council may have to do in the course of a long tour, I think, he would appreciate the fact that he could not carry out his duties if he was living for several days in a first class compartment, also I think it is very likely that no substantial economy would result from such an arrangement

Mr. Vidya Sagar Pandya: May I ask, Sir, whether, with reference to the answer given by the Honourable Member to Mr Haji's question, district engineers and chief engineers will not be provided with separate saloons?

(No answer was given)

QUESTIONNAIRE OF THE INTERNATIONAL (MARITIME) LABOUR CONFERENCE

760 ***Mr. Sarabhai Nemchand Haji:** Have Government received copies of the questionnaire of the International Labour Office on the subjects provisionally dealt with by the 13th Session of the International (Maritime) Labour Conference? If so, are Government prepared to forward them to the Indian Associations interested in them?

The Honourable Sir Bhupendra Nath Mitra: Government have received for their own use a limited number of copies of the questionnaires adopted by the 13th (Maritime) Session of the International Labour Conference The associations of employers and labour interested in these documents should apply for copies required by them to the Indian Branch of the International Labour Office New Delhi

APPOINTMENT OF INDIANS TO THE ROYAL INDIAN MARINE

761. ***Mr. Sarabhai Nemchand Haji:** (*a*) Will Government be pleased to state if all the seven vacancies of Executive Officers and Engineer Officers in the Royal Indian Marine, which were advertised a few months ago, have been filled up? If so, how many Indians have been selected?

(*b*) Will Government be pleased to state how many candidates have been selected for the Royal Indian Marine appointments in the examination held in November last? How many of them were Indians?

(*c*) Do Government propose to throw open any of the vacancies in the Royal Indian Marine to cadets of the I M M T S "Dufferin"? If so, how do they propose to select the cadets?

(*d*) Do Government propose to hold a competitive examination exclusively for the cadets of the "Dufferin" shortly? If so, will Government be pleased to explain the procedure they wish to adopt with regard to selecting the cadets of the "Dufferin" to the Royal Indian Marine?

(*e*) Is it intended to have an interview Board, in addition to the written examination, before the cadets are selected? If so, what will be the constitution of the Interview Board?

Mr. G. M. Young: (*a*) I assume that the Honourable Member is referring to the eight vacancies—not seven as stated in the question—which were declared open for competition at the Royal Indian Marine entrance examination held in Delhi in November 1929 Two Indian boys—both candidates for the engineer branch—were declared successful at the examination The remaining vacancies have not yet been filled up

(*b*) Three English boys passed the examination in England and two Indians passed the examination in India

(*c*) First part—Yes, Sir

(*c*) Second part and (*d*)—The three vacancies for Indians in the executive branch which were not filled at the open examination will be offered for competition among cadets of the "Dufferin", at a special examination to be held in Bombay next May The cadets will also be required to pass the usual medical examination before they are permitted to appear at the examination The Flag Officer Commanding will arrange for the examination, and the Public Service Commission has kindly undertaken to help

(*e*) Government are considering the question whether there should be an interview test or not.

REPRESENTATION OF INDIAN COMMERCIAL INTERESTS ON THE RAILWAY RATES INQUIRY COMMITTEE

762. *Mr. Sarabhai Nemchand Haji: (a) Will Government be pleased to state if the Railway Board have received a representation from the Indian Chamber of Commerce (The Desi Vyapara Mandal), Lahore, with regard to the representation of Indian commercial interests on the Railway Rates Inquiry Committee? If so, when was the representation received and what action have Government taken on the same?

(b) Has representation on the Railway Rates Inquiry Committee being granted to the Northern India Chamber of Commerce, which represents European interests? If so, do Government propose to consider the advisability of extending the same privilege to the Indian Chamber of Commerce, Lahore?

Mr. A. A. L. Parsons: (a) No doubt the Honourable Member's question refers to representation on the panel from which the commercial member of the Railway Rates Advisory Committee is selected and, if so, the answer to the first part of the question is in the affirmative A representation from the Indian Chamber of Commerce, Lahore, was first received in December, 1927, and no decision was then come to

A further representation was received in October, 1929, and the matter was referred to the Punjab Government and to the North Western Railway. A reply from the latter is awaited

(b) The reply to the first query is in the affirmative, but Government are not aware that the Northern India Chamber of Commerce represents European interests exclusively

Regarding the second part, the matter is already under the consideration of Government

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UNSTARRED QUESTIONS AND ANSWERS

COST OF THE KANGRA VALLEY RAILWAY

266 **Pandit Thakur Das Bhargava:** (a) Will Government be pleased to state what was the original estimate for the construction of the Kangra Valley Railway? Has the construction been completed? If so, what has been the total cost? If not completed, what is the cost up to date and what is the estimate of the cost still to be incurred till completion?

(b) Is it a fact that the cost actually incurred far exceeds the estimate? Will Government please state what has occasioned this excess, and who is responsible for the same?

(c) Is it a fact that a big contractor has made a definite allegation that the excess is due to slackness and inefficiency of the railway officers concerned with the construction?

(d) Is it a fact that there are still several outstanding claims unsettled, and that legal action about the same has either been taken or is under contemplation, being at the stage of legal notice?

Mr. A. A. L. Parsons: (*a*) Rs 134 lakhs The line has been opened for traffic but construction has not yet been completed The approximate outlay to the end of December is Rs 284 lakhs and it is expected that the total cost will be about Rs 310 lakhs.

(*b*), (*c*) and (*d*) The total cost will exceed the original estimate considerably The matter is under inquiry and I regret therefore I cannot at present give a reply to these portions of the Honourable Member's question

PROMOTION OF CLERKS IN THE SUPPLY AND TRANSPORT CORPS

269. **Pandit Nilakantha Das:** (*a*) Is it a fact that the Government of India are contemplating the amalgamation of the different cadres of Mechanical Transport and the Supply and Transport clerks?

(*b*) Is it also a fact that since the formation of separate Mechanical Transport cadre, the promotion of the clerks in this cadre has been more rapid than that of those in the Supply and Transport cadre?

(*c*) If the reply to part (*b*) be in the affirmative, do Government propose to adopt measures to safeguard the interests (regarding seniority) of those clerks in the Supply and Transport cadre who were senior to the clerks in the Mechanical Transport cadre before the formation of the latter separate cadre, but are now receiving less pay on account of less rapid promotion in the Supply and Transport cadre?

Mr. G. M. Young: (*a*) No, but all new appointments are now made to a single combined cadre of clerks belonging to the Supply, Animal Transport and Mechanical Transport branches The two existing cadres will, therefore, disappear in course of time

(*b*) Owing to the increased mechanization of the Army promotion in the Mechanical Transport cadre is more rapid for the time being Once the Mechanical Transport establishment is stabilised, the position will probably be reversed because the Supply and Transport establishment is larger and contains a higher proportion of senior men

(*c*) To remedy the immediate slowness in promotion in the Supply and Transport cadre, it has been decided to reserve half the number of vacancies due to increased mechanization, and not to normal casualties, for Supply and Animal Transport clerks who are willing to transfer to the Mechanical Transport cadre

LIQUIDATION OF THE INDARPRAST STORES, LIMITED, DELHI

270 **Pandit Nilakantha Das:** (*a*) Is it a fact that Indarprast Stores, Limited, Delhi, has been under voluntary liquidation for the last 6 years?

(*b*) Is it a fact that the Store had operated for only 2 years before liquidation?

(*c*) Is it also a fact that the unusually long period taken for the liquidation of the Store formed the subject of interpellations in this House during the last Simla session and also on previous occasions?

(*d*) Do Government propose to take any steps to expedite the liquidation and to take steps against those responsible for the delay?

The Honourable Sir George Rainy: (*a*), (*b*) and (*d*) The Honourable Member is referred to the statement furnished to Mr Siddheswar Prasad Sinha in reply to his question No 719 in the Legislative Assembly on the 23rd September, 1929 A copy of the statement is in the Library.

(*c*) Yes.

INSTALLATION OF AN ADDITIONAL ELECTRIC POINT IN "C" AND "D" CLASS QUARTERS IN NEW DELHI

271. **Pandit Nilakantha Das:** (*a*) Is it a fact that the Government of India have had under consideration for the last three years the question of installing an additional electric point in the godown rooms of "C" and "D" class quarters in New Delhi?

(*b*) If so, what decision has been arrived at in the matter?

The Honourable Sir Bhupendra Nath Mitra: (*a*) So far as "D" quarters are concerned, the question of installing an additional electric point has been under consideration for about a year As regards "C" quarters, the question has only recently come under consideration

(*b*) Government have decided that these additional points should be given in all clerks' quarters (not only "C" and "D" quarters) as soon as funds are available

DELHI CAMP ALLOWANCE ADMISSIBLE FOR ATTACHED OFFICES

272 **Pandit Nilakantha Das:** (*a*) What are the rates of Delhi Camp allowance admissible for Attached Offices and the Army Headquarters offices moving from Simla to New Delhi for the winter?

(*b*) Will Government be pleased to state the reasons for the difference in the scales of the allowance for the Army Headquarters and for the Attached Offices?

(*c*) Do Government propose to consider the question of granting a uniform scale for both?

The Honourable Sir James Crerar: (*a*)

Secretariat Attached Offices					Army Headquarters Offices				
Pay	Rate of allowance				Salary	Rate of allowance.			
Rs	R	a	p		Rs	R.	a.	p	
50 or less	16	10	8	per mensem	50 or less	16	10	8	per mensem
50 to 75	20	0	0	,, ,,	50 to 80	20	0	0	,, ,,
75 to 100	26	10	8	,, ,,	80 to 120	33	5	4	,, ,,
100 to 150	40	0	0	,, ,,	120 to 180	40	0	0	,, ,,
150 to 200	50	0	0	,, ,,	180 to 200	50	0	0	,, ,,
200 to 250	53	5	4	,, ,,	200 to 300	60	0	0	,, ,,
Above 250	56	10	8	,, ,,	300 to 350	66	10	8	,, ,,
					350 to 500	83	5	4	,, ,,
					Above 500	100	0	0	,, ,,

(*b*) The allowances are in both cases given at the rate of two-thirds of the old Calcutta rates and the difference is due to the different scales of emoluments fixed for the two sets of offices

(*c*) The reply is in the negative

CLASSIFICATION OF CLERKS OF THE CENTRAL AND PUNJAB GOVERNMENTS FOR THE PURPOSE OF TRAVELLING ALLOWANCE

273 **Pandit Nilakantha Das:** (*a*) Is it a fact that the classification of Government servants under the Central Government moving from Delhi to Simla in respect of travelling allowance is different from that of the Punjab Government employees moving from Lahore to Simla?

(*b*) Is it a fact that a Central Government clerk getting Rs 180 monthly is treated as a third class officer while a Punjab Government clerk travelling on the same line and getting the same pay is treated as a second class officer?

(*c*) If the replies to the above be in the affirmative, when do the Government propose to remove the anomaly? If not, why not?

The Honourable Sir James Crerar: (*a*) I understand there is some difference

(*b*) No

(*c*) The grant of travelling allowance to Government servants moving to hill stations with the headquarters of Government is governed by special rules which Local Governments are empowered to make and some dissimilarity in rules so framed is to be expected The Government of India do not consider that there is any anomaly

HOUSE RENT ALLOWANCE FOR CLERKS NOT PROVIDED WITH GOVERNMENT QUARTERS IN NEW DELHI.

274 **Pandit Nilakantha Das:** (*a*) What are the rates of house rent allowance allowed to Government servants who have to make their own arrangement for residence in Delhi city for want of Government accommodation in New Delhi?

(*b*) Are Government aware that there is a general complaint regarding the insufficiency of the rate?

(*c*) When do Government propose to consider the question of revising the rate of house rent allowance or of providing a sufficient number of residential quarters?

The Honourable Sir James Crerar: (*a*) I am sending the Honourable Member a statement showing the rates of Delhi house rent allowance admissible in certain circumstances to clerks living in Delhi City

(*b*) No

(*c*) Government have decided that their policy must be to reduce and not to extend or enhance these allowances The question of providing

additional residential accommodation in New Delhi is already under consideration 150 quarters which were sanctioned last year are under construction and provision has been made for the construction of 36 more quarters in the coming financial year

SHORTAGE OF QUARTERS AND SHOPS IN NEW DELHI.

275. **Pandit Nilakantha Das:** (*a*) Is it a fact that at the time of every annual allotment of quarters in New Delhi, the demand is far in excess of the number available?

(*b*) Is it also a fact that at the time of every allotment of municipal shops in Diaz Square and Baird Road in New Delhi, the demand is far in excess of the number available?

(*c*) If the replies to the above questions be in the affirmative, what steps have Government taken to construct more quarters and shops during the current year to meet the increasing demand? If not, why not?

The Honourable Sir Bhupendra Nath Mitra: (*a*) and (*b*) Yes

(*c*) 150 quarters which were sanctioned last year are being constructed These and 36 more quarters which have recently been sanctioned will, it is expected, be constructed before the next winter season

As regards shops, the New Delhi Municipal Committee has applied for land for the construction of further shops, the question of the allotment of this land and the terms on which it should be allotted are now under consideration

CLASSIFICATION OF QUARTERS IN NEW DELHI

276 **Pandit Nilakantha Das:** (*a*) What was the classification of Government servants in respect of pay for the allotment of quarters in New Delhi in 1921 and 1929?

(*b*) Is it a fact that the classification has changed more than twice during these years?

(*c*) Is it a fact that the change is not due to any change in scales of pay but to comparative scarcity of higher class quarters for clerks?

(*d*) When do Government propose to revive the old scale? If not, why not?

The Honourable Sir Bhupendra Nath Mitra: (*a*) Presumably the Honourable Member seeks information in regard to clerks' quarters in New Delhi If so, I place on the table a statement giving the information required

(*b*) Yes on three occasions, *viz* , in 1922, 1926 and 1928

(*c*) The changes in classification have been made (*a*) because the scales of pay were revised and increased subsequent to the fixation of the original classification, and (*b*) to equalise as far as possible, the percentage of quarters in each class

(*d*) In view of the reply to part (*c*), the question of reviving the old classification hardly arises.

Statement showing the classification of clerks' quarters in New Delhi in 1921-22 and 1929-30

Year.	Unorthodox clerks' quarters				Orthodox clerks' quarters					Remarks
	A Class	B Class	C Class	D Class	A Class	B Class	C Class	D Class.	E Class	
	Rs	Rs	Rs		Rs	Rs	Rs	Rs		
1921-22 .	301—500	201—300	200 and below		301—500	201—300	101—200	100 and below		
1929 30 . .	501 & above	350—500	225—349	*	501 & above	350—500	225—349	224 & below	*	

*A certain number of quarters of these classes have been built and the question of fixing pay limits for them is under consideration.

SHORTAGE OF QUARTERS IN NEW DELHI.

277. **Pandit Nilakantha Das:** (*a*) Is it a fact that about 50 per cent of the staff of the migratory and non-migratory offices in New Delhi have not been provided with Government quarters in the current season?

(*b*) What steps do Government propose to take to provide them with more quarters to obviate the necessity and hardship involved in their having to make arrangement for their residence in Delhi city at a distance of several miles from their offices?

The Honourable Sir Bhupendra Nath Mitra: (*a*) Rather more than 50 per cent of the migratory and non-migratory staff have been given accommodation in New Delhi (The actual figure is somewhere about 57 per cent)

(*b*) Each year Government review the position and provide, as far as possible, funds for building additional accommodation

DOCTORS PROVIDED FOR GOVERNMENT OF INDIA STAFF IN SIMLA AND NEW DELHI

278 **Pandit Nilakantha Das:** (*a*) Will Government please state the names of the doctors appointed for the various grades of the Government of India staff for the last summer season in Simla and for the current season in New Delhi?

(*b*) Were their names, addresses and rules, etc, for consultation circulated in the offices for the information of those concerned? If so, when?

(*c*) If the reply to part (*b*) be in the negative, what steps do Government propose to take to avoid the repetition of this omission in future?

Sir Frank Noyce: (*a*) The information required by the Honourable Member is shown in the enclosed statements

(*b*) and (*c*) The arrangements made at Simla in 1929 and at Delhi for the 1929-30 season for medical attendance on the staff and establishments of the Army and Royal Air Force Headquarters were communicated to the several heads of Offices for the information of those concerned As regards other Government servants employed under the Government of India, the rules in regard to medical attendance at Simla are contained in the Department of Education, Health and Lands Resolution No 780, dated the 12th December, 1922, while the names and addresses of Medical Officers specially deputed to attend the Government of India clerks who reside in the Delhi City are communicated each season to the several Departments of the Government of India for the information of those concerned. Government do not consider any further action is necessary

Statement showing the names of medical officers deputed in 1929 to attend the employees of the Government of India in Simla (excluding Army and Royal Air Force Headquarters)

Name of Medical Officer	Pay of Government employee entitled to attendance by officer mentioned in column 1.
Major H K Rowntree, M C, I M S, Civil Surgeon, Simla E	Exceeding Rs 500
Lt -Col N M Wilson, I M S, Civil Surgeon, Simla W	Ditto.
Dr K E Robertson, I M D, in charge, Government of India Junior European Secretariat establishment	From Rs 150 to Rs 499
Dr J N Mukerjee, P C M S, in charge Government of India Junior Indian Secretariat establishment	Ditto
K S Dr Muhammad Hussain, I M D, Sub Charge, Civil and Military Dispensary	Up to Rs 150

The duties of officers in medical charge of Army Headquarters Staff and Establishments and Royal Air Force Headquarters at Simla are divided as follows —

An arbitrary line drawn across the Ridge from North to South through the Town Hall, divides Simla into an East and West area

(*a*) (*i*) Officers of Army Headquarters and their families	North side of Jakko Simla West (Exclusive of Elysium Hill)	Major H C D Rankin O B E, B B E, R A M C
	Hotels included in area —	
(*ii*) Clerks of Army Headquarters on salaries of Rs 250 per mensem and over and their families	Corstorphans Grand Cecil Royal	
(*b*) (*i*) Officers of Army Headquarters and their families	Elysium Hill, Simla East (Exclusive of North side of Jakko)	Major W C Hartgill, M C, R A M C
	Hotels included in area —	
(*ii*) Clerks of Army Headquarters on salaries of Rs 250 per mensem and over and their families	Craig Dhu Longwood Harvington Elysium Clarke's Central Lawrie U S Club	
(*iii*) Officers and clerks on salaries of Rs 250 per mensem and over of Royal Air Force and their families	Wherever resident	
(*c*) Clerks of Army Headquarters on salaries of Rs 75 to Rs 249 and their families.		1st Class Assistant Surgeon, E M. Cuzen, I M D
(*d*) (*i*) Indian clerks of Royal Air Force Headquarters on salaries of Rs 75 to Rs 249 per mensem and their families		Sub Assistant Surgeon Subedar Major and Honorary Lieutenant Mohd. Raza Khan Bahadur, I D S M I M D
(*ii*) Menials		

Statement showing the names of Medical Officers deputed to attend the employees of the Government of India residing in Old Delhi.

Name and rank of Medical Officer	Class of Government employees entitled to attendance of Medical Officers.
Lt Col C H Reinhold, M C, F R C S (Ed), I M S, Civil Surgeon and Chief Medical Officer, Delhi	Employees of Government drawing Rs. 500 per mensem or above as pay
Dr L A N Greenway, I M D [Military Assistant Surgeon	All European and Anglo Indian clerks of Army and Royal Air Force Headquarters drawing less than Rs 250 per mensem
Dr Parmeshwari Das, Civil Assistant Surgeon	1 Indian clerks of Army and Royal Air Force Headquarters drawing less than Rs 250 per mensem and living in Timarpur and Kingsway 2 All Government servants on Civil side drawing a salary of Rs 150 to Rs 499 living in Timarpur and Kingsway
Dr. Jagan Nath, Civil Sub Assistant Surgeon	All Government servants drawing less than Rs 150 and above Rs 15 and living in Timarpur and Kingsway
Dr Amar Nath Khosla, Civil Sub Assistant Surgeon	All Indian clerks residing in old Delhi

Note.—For officers of Army and Royal Air Force Headquarters drawing Rs 250 or over Major H C D Rankin, O B E, R A M C, Surgeon to Commander in Chief, is the authorised Medical Officer When he is out on tour or when he moves to New Delhi in January 1930, the Officer in Charge, Detention Hospital, the Fort, Delhi, will be the Medical attendant for them—For emergent cases, the services of Chief Medical Officer can be availed of

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Statement showing the names of Medical Officers deputed to attend the Government of India and Army Headquarters employees in New Delhi

Name of Medical Officer	Class of Government employees entitled to attendance
Major H H Elliot, M B E, M C, I M S, Civil Surgeon, New Delhi	All European and Indian Government servants of Army and Royal Air Force Headquarters and their families whose pay is over Rs 250 a month All Government servants employed on the civil side drawing Rs 500 and over
Dr Dwarka Diesh, Assistant Surgeon .	All European and Indian Government clerks of Army and Royal Air Force Headquarters and their families whose pay is less than Rs 250 a month
	Civilians drawing over Rs 150 and less than 500
Dr Bhagat Ram, Sub-Assistant Surgeon .	Civilians drawing below Rs 150
Dr Randhir Singh, Sub-Assistant Surgeon	Ditto

Note—Major H C D Rankin, O B E, M B, R A M C, Surgeon to His Excellency the Commander in-Chief, when in New Delhi, from January 1930 will be available for officers of the Army and Royal Air Force Headquarters drawing over Rs 250 per mensem for consultation daily at the Combined Hospital, New Delhi, between 10 A M, and 11 A.M., except on Sundays and Gazetted Holidays

PROVISION OF A MIGRATORY SCHOOL MOVING BETWEEN SIMLA AND NEW DELHI

279 **Pandit Nilakantha Das:** (*a*) Is it a fact that the Government of India have had under consideration for more than a year the question of starting a migratory school moving between Simla and New Delhi?

(*b*) Will Government be pleased to state what decision has been arrived at in the matter?

Sir Frank Noyce: (*a*) The question of establishing a migratory school which would move between Simla and New Delhi has been under the consideration of the Government of India since September last

(*b*) No decision in the matter has yet been reached

EXAMINATIONS HELD BY THE PUBLIC SERVICE COMMISSION

280 **Pandit Nilakantha Das:** Will Government be pleased to lay on the table a list of the examinations held by the Public Service Commission since its formation in 1926?

The Honourable Sir James Crerar: A statement has been laid on the table.

Statement showing the examinations held by the Public Service Commission since 1926

Year	Name of Examination
1926	1 Indian Audit and Accounts Service } *
	2 Imperial Customs Service } *
	3 Military Accounts Department } *
	4 Indian Police Service
	5 Indian Railway Service of Engineers } *
	6 Transportation (Traffic) and Commercial Departments of State Railways } *
	7 Ministerial Selection Branch
1927	1 Indian Police Service (Punjab)
	2 Indian Forest Service
	3 Indian Police Service (General)
	4 Indian Railway Service of Engineers } *
	5 Transportation (Traffic) and Commercial Departments of State Railways } *
	6 Indian Audit and Accounts Service } *
	7 Imperial Customs Service } *
	8 Military Accounts Departments } *
1928	1 Indian Civil Service } *
	2 United Provinces Civil (Executive) Service } *
	3 Indian Forest Service
	4 Indian Police Service } *
	5 United Provinces Police Service } *
	6 Indian Audit and Accounts Service } *
	7 Imperial Customs Service } *
	8 Military Accounts Departments } *
1929	1 Indian Civil Service } *
	2 United Provinces Civil (Executive) Service } *
	3 Indian Railway Service of Engineers } *
	4 Transportation (Traffic) and Commercial Departments of State Railways } *
	5 Signal Engineering Departments, State Railways } *
	6 Electrical Engineering Departments, State Railways } *

*These were combined examinations

Statement showing the examinations held by the Public Service Commission since 1926—contd

Year.	Name of Examination
1929—*contd*	7 Indian Police Service } *
	8 United Provinces Police Service }
	9 Indian Forest Service }
	10 Indian Audit and Accounts Service } *
	11 Imperial Customs Service * }
	12 Military Accounts Department *
	13 Ministerial Selection Branch (Qualifying)
1930 . .	1 Indian Civil Service }
	2 United Provinces Civil (Executive) Service } *
	3 Indian Railway Service of Engineers, }
	4 Indian Service of Engineers }
	5 Superior Telegraph and Wireless Branches of Posts and Telegraphs Department } *
	6 Transportation (Traffic) and Commercial Departments, State Railways }

CENTRAL GOVERNMENT OFFICES LOCATED AT CALCUTTA

281 **Pandit Nilakantha Das** Will Government be pleased to state the names of the Central Government offices that are still at Calcutta and the reason why those offices are kept there when all other offices have been removed to Delhi?

The Honourable Sir James Crerar: The following subordinate offices of the Government of India are at present located at Calcutta For administrative reasons Government did not consider it necessary to change their present location

1 Commercial Intelligence Department
2 Office of Metropolitan's Chaplain
3 Office of the Presidency Senior Chaplain, Church of Scotland
4 Registrar of the Diocese
5 The office of the Principal officer, Mercantile Marine Department, Calcutta District
6 Central Stationery Office
7 The Central Forms Store
8 Central Publication Branch
9 Government of India Press (Calcutta)
10 Office of Geological Survey of India
11 Office of the Controller of Patents and Designs
12 Office of the Chief Inspector of Explosives
13 Office of the Superintendent, Government Test House, Alipore
14 Office of the Controller of Inspection, Calcutta Circle
15 Office of the Controller of Purchase, Calcutta Circle
16 The Meteorological Office, Calcutta
17 Office of the Director, Zoological Survey of India
18 Office of the Director, Botanical Survey of India.

* These were combined examinations.

19 Office of the Surveyor General of India

20 Office of the Keeper of Records of the Government of India A portion of this office has already been removed to New Delhi and the remainder will be removed in due course

21 Office of the Librarian, Imperial Library

STANDARD OF THE LAST PUBLIC SERVICE COMMISSION EXAMINATION FOR THE FIRST DIVISION IN THE SECRETARIAT

282 **Pandit Nilakantha Das:** (*a*) How many candidates appeared at the last examination of the Public Service Commission for the First Division and what percentage of them have been declared successful?

(*b*) Is it a fact that this was a qualifying test?

(*c*) What percentage of candidates were passed in similar qualifying tests held in the previous years by the Commission and the Staff Selection Board, and why is the percentage of passed candidates so low at the last examination?

(*d*) What was the pass percentage of marks at the previous qualifying tests, and what was it at the last test? Has the standard been raised this time? If so, why?

The Honourable Sir James Crerar: (*a*) 292 candidates appeared for the Upper Division of whom seventeen qualified

(*b*) Yes

(*c*) A statement is being forwarded to the Honourable Member The percentage of passes is low, because most of the candidates failed to reach the required standard

(*d*) I have no information I understand that a fairly high qualifying standard was adopted by the Public Service Commission on the advice of the Departmental Conference which reported on the subject in 1927

ELECTION OF MEMBERS TO THE STANDING COMMITTEE ON PILGRIMAGE TO THE HEDJAZ

Mr. President: The House will now proceed to elect five Muslim Members to the Standing Committee on Pilgrimage to the Hedjaz There are eight candidates whose names are printed on the ballot papers which will now be supplied to the Honourable Members in the order in which I call them Of these Maulvi Muhammad Yakub has since withdrawn his candidature

Pandit Nilakantha Das (Orissa Division Non-Muhammadan) Sir, I want to say something

Mr. President: Does the Honourable Member wish to withdraw his candidature? (Laughter)

Pandit Nilakantha Das: I wanted to be a candidate, but I can't be one now, because the House is called upon to elect five Muslim Members This matter somehow escaped notice of my friends, and it also escaped my notice .

Mr. President: Is there any point of order?

Pandit Nilakantha Das: I want to point out, Sir, that this is a vicious principle If this principle were introduced as a matter of convention, none would have any objection, but that the House should be called upon to elect five Muslim Members to the Standing Committee is certainly open to objection I should like to see that this objection may be recorded for future

Mr. President: I am afraid the Honourable Member and his friend to his left are always too late They should have raised the point when the House was discussing the motion to elect five Muslim Members

Pandit Nilakantha Das: We did not get the Report of the Haj Committee nor did we give any proper consideration to the subject, when we, off-hand, decided on the election, but I merely suggest that this should be recorded for future guidance and from next year we should have it on the Agenda that five Members from the Assembly and not Muslim Members should be elected to this Committee This is a matter of principle where no communal distinction should be tolerated The President of the Committee too, here is not necessarily a Muslim

(The ballot was then taken)

THE INDIAN FINANCE BILL

Mr. President: The House will now resume further discussion of the amendment* of Sardar Gulab Singh to clause 7 of the Finance Bill

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber Indian Commerce) Sir, I rise to oppose the amendment of my Honourable friend, Sardar Gulab Singh, and hope to be able to convince the House that the apprehensions on which my Honourable friend's amendment is based are not warranted I believe Sir, there were two more speeches from the European Group Benches in support of the amendment of my Honourable friend My Honourable friend, Sir Darcy Lindsay spoke on this amendment with considerable reserve, but what struck me about his speech was its nervousness If I may put it in colloquial language, he appeared to have got cold feet at this move of the Government of India, and did not try to understand how the huge oil combine works in India I propose to read for his benefit the opinion of a person in the European commercial community who would have occupied the same position as my Honourable friend today occupies if there were a European Group in the Assembly in the year 1922 Sir Frank Carter, whose authority to speak on this question, I am sure, Sir Darcy Lindsay will not challenge, speaking in this House on the 7th March, 1922, said as follows

"The import duty on foreign oil used to be 1½ annas per imperial gallon It is now raised to 2½ annas per gallon Government have also imposed an excise duty of 1 anna per gallon on kerosene oil produced in India I do not myself see why this excise duty should not be the same as the import duty on foreign oil, namely 2½ annas per gallon Most of the oil produced in India comes from Burma and we all know that oil companies are some of the largest and richest companies in the world Is there any reason why the oil companies of Burma should be let off so cheaply? It is not as if all the profits they make are spent in India"

*"In clause 7, for the words 'one anna and six pies' the words 'one anna and three pies' be substituted"

That, Sir, was the opinion of a distinguished European merchant in this House in 1922, and it would be interesting to know if my Honourable friend, Sir Darcy Lindsay, spoke yesterday on behalf of his party, and, if so, what justified the European Group today in the Assembly changing the opinion, so clearly expressed by Sir Frank Carter, not very far back in 1922

Sir Darcy Lindsay (Bengal European) The reason why the European Group approved of the views I expressed is that the Burma Oil Company have, by retaining the price of the yellow oil, given a great benefit to India.

Sir Purshotamdas Thakurdas: I sympathise with my Honourable friend on what I may call his ignorance of the problem on which he speaks As I proceed, I shall point out that my Honourable friend is unfortunately, in this case, not well versed with the facts, because the Report of the Tariff Board on Oil absolutely puts out of court this one ground which my Honourable friend urged yesterday and which I am sorry he repeats again today. However, I hope to be able to convince him that either he, or, those in the European Group, who have been advising him on this question, have not made the best use of the Report which I think is the basis of this increase in duty The other Member who spoke on this is the Honourable Member from Burma, Mr Lamb Mr Lamb frankly told us that he at one time was connected with the Burma Oil Company Whether he is so connected today or not, I do not know

Mr. W. S. Lamb (Burma European) No, Sir

Sir Purshotamdas Thakurdas: However, my friend cannot have forgotten what he must have learnt when he was connected with the Burma Oil Company All I can say is that Mr Lamb gave a wrong lead to the House by the speech which he made yesterday I expect to be able to show that Mr Lamb should have said something quite different from what he actually did say, but before I proceed with the merits of the case, let me take exception to the manner in which Mr Lamb started by prejudicing the support to this Government measure from this side of the House and especially prejudicing the discussion by what he said about my Honourable friend Mr Ghanshyam Das Birla Mr Lamb tried to make out that simply because Mr Ghanshyam Das Birla's firm had lately been importing kerosene oil, Mr Birla wanted the import duty to be reduced No more unworthy remark could have been made on the floor of this House If this is the manner in which the European Group wish to keep out Indians from enterprises in this country, I can give them plenty of similar remarks in future There is a painful precedent in this connection My friends on the European Benches will remember Sir James Simpson, a very esteemable person otherwise, who, when he found that he had no better argument to oppose the Coastal Reservation Bill of my friend Mr Sarabhai Haji, started his speech on that Bill in an objectionable manner by mentioning to the House that my Honourable friend Mr Sarabhai Haji was a paid servant of the Scindia Steam Navigation Company—a method of beginning observations on measures before this House, which may recoil on my friends on the European Benches Sir, if we on this side of the House happen to be proprietors of commercial concerns and industries in this country, my friends on those Benches expose themselves to the retort that they are nothing more than glorified Head Clerks and Managers, mere hirelings pleading for their masters

Sir Darcy Lindsay: On a point of explanation I am not a hireling I am not a Head Clerk nor am I a Manager I am an independent person, who has served for very many years in India, and I am offering my services to India so long as my health enables me to do so.

Sir Purshotamdas Thakurdas: My friend, Sir Darcy Lindsay, will realise that I have not named him at all, and unless my Honourable friend, Sir Darcy Lindsay, can get Mr Lamb, who belongs to his Group, to realise that he made an unworthy attack on my Honourable friend Mr. Birla, I fear that what I have said ought to stand for the European Group generally As Mr Lamb still persists in holding by the remarks which he made, let me tell the House of the effort which is being made by the vested European interests in kerosene oil to prejudice this first step of Indians in the direction of getting a part of their share in the import of kerosene oil Mr Birla's firm has been importing kerosene oil in a very small proportion for the last six months or a year What do these vested interests do? As soon as the oil arrives here, a frantic telegram is sent to the principals of that oil company in America saying that Mr Birla's firm is selling that oil as Gandhi oil and thus encouraging the political agitation and propaganda of which all Europeans in this country are so frightened (Cries of "shame") Will my Honourable friend Mr Lamb either ascertain and confirm this, or dare he challenge this? Naturally, Sir, the only reply Mr Birla's firm gave to this was that so unworthy would this be that they would not think of connecting Mahatma Gandhi's name with such a small thing as kerosene oil imported into India This, however, indicates exactly what the mentality of my Honourable friend from Burma is when he speaks on this question Mr Birla yesterday told the House how, although various items of taxation may suit his business, he is opposing them in the national interest and where these do not suit him, he is supporting them Can Mr Lamb say the same of any item of taxation that has been before the House ever since he joined this House? Enough, therefore, of this prejudice sought to be created, and I only hope that Sir Darcy Lindsay's Group will not give us further cause to complain in this matter as he is here to serve the best interests of India, a self-imposed task for which I respect him highly I hope he will lead his Group in this Assembly in a manner which is dignified and which would be, if I may use the word, respectable and gentlemanly Let them not start by prejudicing issues If they have not a better case, why not admit it without much ado?

Now, Sir, with regard to the main question of excise duty, I would always oppose an excise duty on any local produce on principle, the principle being that the local production should compete with the imported article If the local production of kerosene oil competed in normal course with imports of kerosene oil, I would oppose this excise duty, in fact, I would even favour taking off the excise duty But what are the facts? In this connection I would like to read from the Note of Dissent by the President of the Tariff Board, Sir Padamji Ginwala On page 55 of the Tariff Board Report this is what he says

> Both indigenous and foreign kerosene are sold by this group at the same price"

There is a combination, the importer and the local producer both work together The obvious inference therefore is that the extent to which the

excise duty is lower than the import duty, to that extent the profit of the indigenous companies is increased On page 84 again Sir Padamji Ginwala says

"Difference between prices of inferior and superior kerosene not necessarily beneficial to poor consumer only"

That is the heading of the paragraph I do not wish to take the time of the House by reading this paragraph, but I indicate the relevant paragraphs in order to bring home to those who have supported this motion that they are overlooking the most valuable material available to this House in the Tariff Board's Report, and particularly in the Minority Report of the President of the Tariff Board, Sir Padamji Ginwala

Now, Sir Darcy Lindsay referred to the cheap yellow oil for the poor and Mr Lamb said that by supplying this cheap yellow kerosene oil for the poor at a certain rate, the Burma Oil Company was conferring a great boon on the Government of India and on the masses of India Again, I say that either my friends do not know their facts, or, if they know them, they have not put them forward in the correct manner that they should be put forward Page 66 of the Minority Report has these words

Sir Darcy Lindsay: What about the Majority Report?

Sir Purshotamdas Thakurdas: You may refer to paragraphs 73 to 75 of the Majority Report They do not support Mr Lamb but I prefer the Minority Report to the Majority Report Why should the references in the Minority Report be rejected summarily? Anybody who reads this Report with an impartial and open mind, will say that Sir Padamji Ginwala has gone into this problem more thoroughly and in a more business-like manner than the two dissenting members I give him all the credit for it In fact I suggest that this side of the House should express its great appreciation of the splendid efforts of Sir Padamji Ginwala to fight against these odds in his own country Let the Honourable Member challenge what Sir Padamji Ginwala says in his able Report Sir, to be in the minority is at times to be in the right Sir Padamji says in paragraph 10 of his Minority Report on page 66

"The result is to lower the average realised price The reason given for this policy is the good of the consumer of inferior kerosene The real object however, is to eliminate competition and consolidate the monopoly of the Pool in the sale of inferior kerosene"

What a different picture from the one which Mr Lamb would like this House to believe Later on, Sir Padamji Ginwala develops how under the guise and pretence of giving this cheap kerosene oil at an apparently lower rate, this big combine maintained their monopolies in India What is the good of saying that, because the combine give that, they are an asset to India? As a matter of fact, according to Sir Padamji Ginwala's Report, it is because they give this cheap oil, they are able to maintain and consolidate their monopoly here Mr Lamb harped on this and tried to bring out that during the war period the Burma Oil Company had not profiteered Well, Sir, a commercial organization which does not profiteer is always entitled to the greatest respect But he in the wide world who did not profiteer during the war period could either have been a saint or a fool

Dr. A. Suhrawardy (Burdwan and Presidency Divisions Muhammadan Rural) Those words are synonyms I think he is either a knave or a fool.

Sir Purshotamdas Thakurdas: I would retain the word "saint" My Honourable friend may apply the other word if he prefers it

Now, let us see if the Burma Oil Company is either saintly or foolish in their business methods On page 7 of the Majority Report, the Tariff Board give financial details about the Burma Oil Company

Sir Hugh Cocke (Bombay European) Are the figures of the Majority Report reliable in this connection?

Sir Purshotamdas Thakurdas: They are facts, and if Mr Lamb tells me that they are inaccurate, I will accept his statement It is no use my Honourable friend from Bombay trying to interrupt in this naive manner Sir, on page 7 the Majority Report gives these facts

"In addition, in 1903, £500,000 debentures were outstanding but these were all paid off by 1913 Of the ordinary capital of £6,868,256, £5,590,564 represents bonus shares"

And after giving details about the dividends declared by the Burma Oil Company they conclude with this

"It appears, therefore, that an original holder of £100 shares in this Company would now hold shares of the nominal value of £540, which at present market quotations would be worth over £2 400 and in the period 1902—1927 would also have received dividends of over £1,600"

Now I venture to ask the Honourable Member from Burma who had some connection with the Burma Oil Company, where did all this money come from to that Company? Where did they get the money to give bonus shares to their shareholders?

12 NOON

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban) By serving India

Sir Purshotamdas Thakurdas: "By serving India" the Honourable Leader of my party suggests, possibly so in the eyes of the European Group Not that I mind any increase in the prosperity of any commercial or industrial organization in India, but when it is a question of making out a case that that organization (the Burma Oil Company) has been a philanthropic body, solicitous of the welfare of the masses of India, it is the limit, and I suggest that either Mr Lamb will get some Member from his party to explain the reasons of this phenomenal prosperity of the Burma Oil Company, or he will admit that there is something behind this cheap yellow kerosene oil on which both he and his Leader harp so much

The Government of India, for the first time I think, had in 1928 an inquiry into the oil industry of India There are many aspects of the way in which this inquiry was ordered and the way in which this inquiry was carried through, which are very exceptional I think my Honourable friend, the Commerce Member, will bear me out if I say that the inquiry was ordered by the Government of India within a few weeks of the demand coming from the interests concerned

The Honourable Sir George Rainy (Member for Commerce and Railways) No Sir, nearly six months

Sir Purshotamdas Thakurdas: Did they apply for an inquiry nearly six months before it was actually started?

The Honourable Sir George Rainy: It was first brought to the notice of the Government of India, I think at the end of September or beginning of October, 1927, and the inquiry, I think, was ordered towards the end of March 1928.

Sir Purshotamdas Thakurdas: I take it that the application of the oil companies, requesting the Government of India to hold an inquiry, and other papers connected with it, would be available to the House if I request the Honourable Member to place them on the table of the House?

The Honourable Sir George Rainy: I am afraid I could not possibly, without notice, give an answer to that just now

Sir Purshotamdas Thakurdas: Will the Honourable Member give me a reply in the course of the debate tomorrow?

The Honourable Sir George Rainy: I think that is a request that cannot fairly be made

Sir Purshotamdas Thakurdas: If the Honourable Member is not prepared to place on the table the relevant papers relating to this subject, then I take it that this particular inquiry was ordered by the Government of India within a few weeks after the application was made Six months earlier, it may have been some other aspect for which an inquiry was required If the Honourable Member wishes

The Honourable Sir George Rainy: May I take it that the Honourable Member is questioning my veracity?

Sir Purshotamdas Thakurdas: Not at all

The Honourable Sir George Rainy: Surely the Honourable Member ought to realise how serious it is

Sir Purshotamdas Thakurdas: I do not challenge the Honourable Member's veracity What I wish to know is if the inquiry for which a request was made to the Government of India six months back was on exactly the same subject on which the inquiry was finally ordered by the Government of India The Honourable Member should place those papers on the table of the House

The Honourable Sir George Rainy: Perhaps if I supplement what I have said a little while ago, it will make the matter a little clearer What I said was that the Government of India was first approached towards the end of September or the beginning of October What I cannot recollect at the moment is whether that was a written representation or in the first instance a verbal representation The immediate reply of the Government of India to that was, "you have got to submit a full statement before we can consider it" It is quite true that that full statement, which I think was included in the reference to the Tariff Board, was submitted—I cannot recall the exact date—towards the end of December or beginning of January That is my recollection, but I am speaking from memory What I should be very glad to do, after looking up the papers is to supply the Honourable Member privately—I do not mean confidentially—with the information he wants for any use he may make of it But I do not think it would be right for me to promise that I would give a reply in the course of the debate, when there is no guarantee that any reply that I can give would be relevant to the matter under discussion at the moment

Sir Purshotamdas Thakurdas: I think, Sir, the matter is much clearer now than it was a few minutes back There is no question of my challenging the veracity of my Honourable friend, Sir George Rainy If there is any one about whose veracity I would have the least suspicion, it is Sir George Rainy's

Mr. President: Then the Honourable Member makes a distinction between Member and Member!

Sir Purshotamdas Thakurdas: Not necessarily, Sir I am dealing at present with Sir George Rainy and I say that I would not, even in my dream, think of suspecting the veracity of any statement that he makes in this House He will, however, himself see that his last reply is more full and therefore I am prepared to leave this question at this point I have now got this information that the oil companies did apply six months earlier, but they applied then without the full details which the Government of India insist upon before considering an application for a Tariff Board inquiry That is enough for my purpose

Sir, the inquiry was a summary one It was completed within seven to eight weeks Now I would like to draw the attention of the House, and I am sure the Honourable the Commerce Member must have studied this Report fully, to the manner in which the inquiry was considered by the parties concerned On page 61 of the Minority Report, Sir Padamji Ginwala says

"In view of the events which preceded the launching of the rate war in September, 1927, and of the understanding existing between the main participants it is difficult not to find the principals of the applicant Companies—I except the Indo Burma Petroleum Company to whom the Asiatic Petroleum Company's promise of compensation does not refer—guilty of a lack of candour amounting almost to deliberate *mala fides*"

I wonder, Sir, whether the Honourable the Commerce Member, during his career as President of the Tariff Board, or as the Commerce Member of the Government of India till now remembers any such remark having been made by a responsible member of the Tariff Board, accusing the parties who apply for an inquiry of something which almost borders on *mala fides* Further on, on the same page, Sir Padamji Ginwala says

"It appears therefore that the local representatives of the applicant Companies had no knowledge of this agreement, and the blame for the failure to place all the material facts of the case before the Government of India must rest upon their principals in London To my mind their conduct as disclosed by these facts is indefensible The machinery of this Board is intended to be used upon the instructions of the Government of India for the purpose of enquiring into *bona fide* applications by indigenous industries for protection against foreign competition But it is difficult to regard the present as a *bona fide* application except perhaps in the case of the Indo Burma Petroleum Company The assistance of the Government of India has been invoked for a purpose which cannot be regarded as legitimate Though compensation had been promised by the principal belligerent, an application for protection was put in as if the whole of the indigenous industry was suffering serious damage throughout the rate war This failure to disclose material facts might alone have justified a summary dismissal of the application in the interest of public discipline"

On page 63, Sir Padamji Ginwala says, referring to the evidence of Gulf prices

"It is clear from the above that the quotations cannot be taken as reliable proof of actual prices"

What is, Sir, the difference between the actual prices of which Sir Padamji Ginwala complains? The *Petroleum Times* reports f o b Gulf port prices as 5 75 cents per American gallon on 3rd September, 1927 Reuters reports same at 5 The Standard Oil Company reports at 4½ cents to 7½ cents , and the figure taken by the pool for the calculation of world parity is 8 cents Take 1926 or any other year Whatever year you take, there is a difference of ½ to 1 cent Now, Sir, the freight quotations that

the oil companies calculate are not correct I refer to page 65, paragraph 8—"Evidence of Freight Unsatisfactory" I will content myself with referring only to the various heads under which Sir Padamji Ginwala has come to the conclusion that the evidence put before him has been unsatisfactory The very data, facts and figures supplied to the Tariff Board are in the opinion of its President unsatisfactory

Then regarding the difficulty of ascertaining current prices of indigenous kerosene, I refer to paragraph 9 of Sir Padamji Ginwala's Minority Report

"It will be seen therefore that in the present condition there is no such thing as 'current' prices in the ordinary sense for they are what the Burmah Shell make them for the time being In the entirely artificial atmosphere thus created by the deliberate action of the group, no correct valuation of current prices is possible There is at present no economic relation between the foreign and internal prices and the level of current prices cannot seriously be regarded as evidence of dumping"

In paragraph 10 he deals with foreign competition in respect of inferior kerosene oil, and I have already quoted the real cause of this cheap kerosene oil according to Sir Padamji Ginwala

Sir Padamji Ginwala has something very interesting to say regarding the difficulty of ascertaining the financial position of the oil companies He deals with it on page 56 of the Report, and in paragraph 6 he deals with the Attock Oil Company, which is said to be the only company which is an indigenous company This company has a sterling capital but I do not mind the sterling capital part of it This is the remark which Sir Padamji makes about this Company

"The method adopted, moreover, involves far too many hypotheses and assumptions to ensure even a reasonable degree of accuracy By way of illustration I cite the following passage from paragraph 55 dealing with the Attock Oil Company to show the process of reasoning by which some of these results have been arrived at

In 1926 the profit in India was £48,361 Owing to the increase in production, the expenditure per unit produced has very much declined After examining the cost accounts which have been produced we are satisfied that had the expenditure in 1926 been at the same rate as in 1927, on the production of the former year expenditure would have decreased by about Rs 11,00,000 excluding from account London expenses, interest charged, and depreciation On the 1927 scale of expenditure per unit, profits in 1926 would thus have been increased by about £83,000, giving a total profit of £131,000

Having obtained hypothetical figures in the way indicated above as regards profits or losses, various adjustments are made sometimes in accordance with actual facts and at other times on hypothetical grounds, and the financial results so derived form the basis of the main recommendation that no case has been made out for national assistance"

He concludes with this in paragraph 7

"I am unable to agree with many of them without a good deal of more technical knowledge than I have been able to acquire in the space of seven or eight weeks. It appears to me that some of them, at any rate, may, if not found wholly inaccurate, on further examination require radical revision"

This, Sir, is the method in which these oil companies acquitted themselves when there was an actual Tariff Board inquiry ordered by the Government of India at the request of these companies Their accounts were put before the Tariff Board on hypothetical grounds, and even then are submitted to them in confidence—and this is the remark of even the majority They say

"It has not been possible to set forth the financial position of the different companies after a critical examination of the costs of producing and refining crude oil Nor indeed for the purpose of the summary inquiry does this appear necessary"

[Sir Purshotamdas Thakurdas]

Now, I venture to ask whether it is justifiable for anybody, in view of what has been brought out in this Report, either by the majority or the minority, to say that Government are hitting the indigenous companies by levying an excise duty, or rather by increasing the excise duty If the companies have a case, and if they feel that they are prepared to put all their cards on the table, by all means let them go before the Tariff Board, have a full inquiry made, and I will be the first to say after seeing the report of that full inquiry, that not only should the increase which we are considering today be reduced, but the whole of the excise duty should go in order that the indigenous industry may flourish and may not suffer any loss But the material supplied in this Report either by the majority or by the minority sections—and I repeat here again that I do not put less reliance on the Minority Report of Sir Padamji Ginwala than on the Majority Report—the material submitted here absolutely puts any such pleading today out of court Sir Padamji Ginwala has been a very distinguished and responsible member of the Tariff Board, and with the full weight of his responsibility he could not have made the remarks that he has made regarding the whole case without being able to meet any challenge that might be thrown out to him Did the oil companies challenge Sir Padamji Ginwala's Report? Have they submitted anything to the Government of India against the various allegations and criticisms made by Sir Padamji Ginwala against them?

Sir Padamji Ginwala comes to a remarkable conclusion at the end of his able and full Minority Report I will only again read the headings, which will be sufficient for the purpose of the picture which I wish to put before the House The chapter is headed, "Exorbitant prices in India demand further exploration of subject" He starts with paragraph 46 touching upon "exorbitant prices" as he considers them to be In paragraph 47 he deals with "Margin between prices of crude and of finished products", and in paragraph 48 he examines the "Margin in America", which he makes out to be equivalent to one anna and six pies per Imperial gallon In paragraph 49 he deals with "Margin in India" which he makes out to be a sum of two annas per gallon which is taken out of the consumer in India What solicitude for the masses of India and for the consumer in India! In paragraph 50, Sir Padamji Ginwala refers to "Measure of Exploitation of Consumer" In paragraph 51 he deals with "Monopoly the Principal Cause", and in paragraph 52 he deals with the "Main Remedy, the Introduction of Competitive Conditions by Import of Crude" He finally concludes by suggesting an alternative remedy, namely, "Government Control of Prices"

I feel, Sir, that those who are interested in this subject should, before they criticise the Government of India's measure which is before the House, study Sir Padamji Ginwala's Report Even though Sir Padamji Ginwala may have made an error of judgment, it was up to the oil companies to put all their cards before the Government of India to refute Sir Padamji Ginwala's attitude in this connection, and until they do so, we are quite justified in taking for granted that the difference between the excise duty and the import duty is a difference which goes into the pockets of the indigenous companies which work hand in hand with interests abroad. I have therefore come to the conclusion that the variation in excise and import duties as suggested by the Government of India is the right thing in the light of the information available up to now, but unless the oil

companies are prepared to submit to a full and searching inquiry by the Tariff Board, the Government of India will be justified in putting up the excise duty to the import duty If the oil companies have a grievance, it is for them to ask for a full inquiry by the Tariff Board, when, if a case is made out that the excise duty is a hardship on the indigenous companies, or that the difference between the excise duty and the import duty does not go into the pockets of these companies, this House would be prepared to reduce not only the increase under consideration if passed but the whole of the excise duty

I therefore, Sir, congratulate the Government of India on this first modest step which they have taken, and it is fully warranted by what is said in the Tariff Board's Report I hope they will follow up the various suggestions of Sir Padamji Ginwala, who has indicated that the consumer of kerosene oil in India is being mulcted to the extent of Rs 5 crores by this huge combine (paragraph 46 of Minority Report) and that the whole question of the kerosene oil supply of India requires a searching inquiry by the Government of India Sir, I have great pleasure in supporting what the Government have proposed, and I oppose the amendment of my Honourable friend, Sardar Gulab Singh

Mr. Arthur Moore (Bengal European) Sir, I feel that my friend, Sir Purshotamdas Thakurdas, at the beginning of his speech, imported a little unnecessary heat

Sir Purshotamdas Thakurdas: You started from your Benches yesterday

Mr. Arthur Moore: That is just the point Sir Darcy Lindsay and Mr Lamb spoke yesterday and Mr Lamb quite frankly spoke as a person who has a financial interest in oil

Sir Purshotamdas Thakurdas: Making an insinuation

Mr. Arthur Moore: Wait a minute.

Sir Purshotamdas Thakurdas: I am going to wait and follow you up.

Mr. Arthur Moore: First of all, he does not in the least object, as I understand him, to any one saying that he himself has interests in oil. He has interests in oil We are accustomed in this House to people speaking quite frankly from the point of view of the industries in which they have a stake Mr Mody, as we all know, speaks here for the mill-owners, and it is right and proper that he should Personally I do not consider that it was any very dreadful reflection upon my friend, Mr Birla, who, we all know, has large financial interests though personally I have no knowledge as to in what way he is interested in this question. But I do not think that Mr Lamb

Sir Purshotamdas Thakurdas: My Honourable friend forgets that Mr Lamb insinuated that Mr Birla supported the import duty because he wanted encouragement to the import of oil in which he is interested Does he not see the insinuation?

Mr. W. S. Lamb: Sir, may I be allowed to make an explanation? As Mr Moore has pointed out, it is well-known to Honourable Members—I have myself on two occasions said quite clearly—that I have an interest in oil, a very considerable interest in one of the smaller companies No doubt Mr Birla and others have discounted, and will always discount, anything I say about oil because of that fact There is no reason whatever, I do not see any reason, to apologise for any remark that I have made

Sir Purshotamdas Thakurdas: So he does not see the insinuation yet

Mr. W. S. Lamb: And for the information of Sir Purshotamdas Thakurdas I might mention that Mr Birla and I met last night and spoke in a friendly way He said, "Mr Lamb, we crossed lances today" He took no exception whatever to anything that I said, and I think, if he did, he is quite capable of speaking for himself without borrowing the thunders of Sir Purshotamdas Thakurdas

Mr. Arthur Moore: As to the further remark made by Sir Purshotamdas about "Gandhi oil—again I have no personal knowledge at all in the matter, but a Member of the Group has just now told me that, as a matter of fact there does exist an almanac displaying Mr Gandhi as an advertisement for the oil importing agency with which Mr Birla is connected Somebody may have objected, and Sir Purshotamdas Thakurdas may have heard of such a thing But if a Member of this House thinks that is a good way of recommending his business, I personally do not complain, if such a thing exists at all

Now, Sir, I hope that we can leave those personal points and deal with the humble matter of kerosene I, like Sir Frank Carter, to whom Sir Purshotamdas referred, and in common with a great many others, was brought up as a free trader But Sir Frank Carter spoke at a time when we were faced with a deficit budget in 1922 When Sir Frank Carter spoke of this oil duty, the Fiscal Commission had not reported India was a free trade country We had never heard of the Tariff Board or of tariff inquiries, and we certainly had never had such examinations as we have had since in the case of steel and cotton and later of oil Regretfully we have accepted since frankly in the interests of Indian industry, and do loyally accept, the declared policy of Government, which is discriminating protection The great argument which endeared free trade to us in the old days was that it kept down the price to the consumer, and that it was in the interests of the general public We have, in the interests of Indian industry, made great sacrifices of that doctrine We are agreeing in this very Budget to taxes which we know the poor will have to bear But, Sir, when we find that Indian industry after Indian industry puts up its claims to the Tariff Board and that those claims are considered, and subsequently we have the Government coming to this House and asking us to agree to tariffs for the sake of that industry and the House accepting them, the tariffs passed and the price put up to the consumer —and then suddenly you have an industry which asks for protection, and gets not protection at all but in the next Budget, or the next Budget but one, a proposal to decrease the import duty and increase the excise duty in order apparently to damage that indigenous industry, then I think the plain man begins to smell a rat I have no financial interest in it whatever,

and I cannot agree with Sir Purshotamdas Thakurdas when he said that no impartial person could read the Minority Report of the Tariff Board without coming to the conclusion that it was unanswerable I wish to reply to him that I consider myself impartial in this matter, and when I read the Minority Report I formed entirely opposite views to those of Sir Purshotamdas Thakurdas The author of the Report makes a statement about deliberate *mala fides* which in the public interest merited summary dismissal of the application, and then he proceeds to produce what we may suppose to be justification for those remarks Frankly, Sir, the whole statement seems to me ludicrous, if not libellous, and I think that Sir Purshotamdas Thakurdas might have remembered that a very convincing reply was immediately issued Sir, if I might paraphrase a classical example, I would say that, if anybody but the President of the Tariff Board had made these statements, I should call them a tissue of contradictions In fact, I would go further and say that they are a tissue of contradictions, and I could very easily prove it Curiously enough, one of the main charges appears to be that the indigenous oil companies keep down the price—a very extraordinary remark On page 94 of the Report under "Summary of Conclusions and Recommendations", it is stated that, "The price both of the indigenous and foreign oil marketed by this Company", that is, the Burma Shell Oil Distributing Company of India, Ltd., "has been deliberately kept lower than economic conditions would have justified and is therefore unreal" Therefore it would appear that the gravamen of the charge against the oil companies is that they sell their stuff at too low a price to the consumer Later on, on the next page, he says, "There is evidence which suggests that a great deal of petroleum products have been sold at exorbitant prices" A totally contradictory statement At the same time on the same pages, he says, first of all, that it is utterly impossible to establish what the American parity price is, and secondly, that that American parity price is being undercut by the indigenous companies, and thirdly, that they are going above it Thus he does not know what it is but says it is both being undercut and exceeded In addition, he bases most of his suggestions, insinuations and innuendoes on the results of the first six months of 1927 He then goes on to say that he quite realises that you cannot establish everything from the results of those six months, but nevertheless proceeds to do so

Mr. M. A. Jinnah: May I ask the Honourable Member one question? Does the Majority or the Minority Report of the Tariff Board consider, in the end, that any case has been made out for any protection for this industry?

Mr. Arthur Moore: I am very far from suggesting that a further measure of protection is required for this industry That is not the point

Mr. M. A. Jinnah: That is what we have been discussing

Mr. Arthur Moore: That is not the point which we have been discussing We are discussing the proposal in the Budget to reduce the existing protection, and we have also the very remarkable statement of the Finance Member that this is only a first step in that direction

Sir Purshotamdas Thakurdas: We all hope it is so

Mr. Arthur Moore: I am afraid you do, and that is the deplorable part of it I was interested to hear and sympathise greatly with a statement which Sir Purshotamdas Thakurdas made the other day, in which he said that he looked forward to a time when this distinction between Indian and European business would disappear This is a sentiment which I entirely share I should like to see European business in this country entirely done on a rupee basis I should like to see share registers kept and share markets existing in all the towns, so that the Indian would be a participator to the very greatest possible extent in the benefits that can be obtained through British enterprise and British capital in this country I should like to see European and Indian business interlinked and interlocked as far as possible But, Sir, the oil business is centered in Burma where it is certainly a great national industry, where it is giving employment to many thousands, where it is leading to every kind of public development, and where there is a share register and a share market and where shares are held by the people of the country to any extent which they like For the Indian Members of this House to make an attack on that Burmese industry merely because they think that it is largely a case of European capital is to my mind unfortunate

Sir Purshotamdas Thakurdas: Who said so? I never said anything like that at all

Mr. Arthur Moore: I have not said that you said that But I have read the Report, and I am perfectly certain that the Report is the motive behind the Government's proposal I am very glad that Mr Aney withdrew his amendment yesterday Personally I should be sorry to share in responsibility for refusing the Finance Member the money that he requires in the present situation, but, that is all the more reason why I would urge upon the Finance Member, if he can possibly do so, the advisability of accepting this very modest proposal of Sardar Gulab Singh, which will give him revenue, but which will, I think, avoid the much more disastrous result of a rise in price It is that rise in price which really interests me When the Budget was introduced, Sir Zulfiqar Ali Khan made a plea, which I thought had a great deal of force and point in it, for the poor man's lamp I am perfectly certain that the Burma Oil Company, which is the largest in the industry, can protect itself I am perfectly certain that my Honourable friend the Commerce Member will not succeed in defeating that Company I think it is a mistake, when you find a bird that lays golden eggs for you, to assume that it must be a goose My own opinion of this oil company,—with which I am unfortunately not connected—is that it is quite another kind of downy bird, and that it will succeed in passing this tax on to the consumer That, Sir, is where I think the Government are failing in their duty The Tariff Board may say what they like, and Honourable Members may say what they like, but it is one of the most remarkable economic facts in the history of the past twenty-five years, when both currency and prices have crashed in the great countries of the world and when the world itself has passed through an unparalleled upheaval, that for the whole of that period of twenty-five years, the low grade yellow oil which goes into the poor man's lamp in this country has been absolutely stabilised to the extent of practically 2,00,000 tons a year, and the price of that quota has never gone up That, Sir, is a very remarkable achievement The paradoxical thing is that protection has kept down the price in the low

grade,—and this has been done as a matter of loyal obligation in return for a measure of protection The Commerce Member assured us yesterday that there was no convention, no understanding, no obligation on the part of the Company I am sure that he is right, and I think that makes it all the more remarkable that for 25 years the poor man's lamp in India has been lit at the same price because of that undertaking I understand that a letter was written to the Viceroy of the day saying the company would contribute this amount at the fixed price My Honourable friend appears to attach no importance to it He seems to think it does not matter and says "Do your worst" He seems to think that he will be able to defeat these great Corporations, but I doubt it I think he is very light-heartedly risking the poor man's lamp Sir, we who live in towns are a little apt to underrate the part that kerosene plays in the life of this country It is the light of the country, and when we talk about kerosene, let us not forget the tin We know what an enormous part the kerosene tin also plays in this country I myself have lived in shelters made entirely from kerosene tins, filled with earth I have had my bath from kerosene tins Even in New Delhi in the hostels the Government provide for legislators, the hot water supply is dependent upon kerosene tins Can the Government give the slightest guarantee that the low rate of kerosene, which is what matters to the people of this country, can be kept down to its present price if they refuse to accept my friend's amendment? I feel, Sir, that they are being driven by political motives, and that, through the Tariff Board and through the Commerce Department, a political demonstration is being made This fills us with great uneasiness We are not satisfied that the Government of India today are discharging their duty as trustees for the Indian people It seems to us that they are much more interested in pleasing big business and big politics than in thinking of the Indian home, that they are thinking much more of the veneer and polish of their mahogany Round Table than that it shall be spread with the unleavened bread of sincerity and truth When the Finance Member tells us about Mr Gandhi and the adverse influences in London affecting Indian credit, we can also tell him that it is not entirely Mr Gandhi If he will investigate the Commerce Department a little more closely and if he will consider the attitude of Government to confiscation by predatory measures, he will begin to understand that there are other reasons which make his task difficult in obtaining money It is British capital itself which is one of the standbys in the present difficult times. I am convinced that, if you could study the records of the Exchange Banks, you would find that it is Indian capital which is going out quickest and that the British capital is still here It is necessary for this country and it is necessary for the poor man

Mr. M. A. Jinnah: Keep it here

Mr. Arthur Moore: I am very glad to hear my friend say that, but I would like the Government to think long and hard before they refuse my friend's amendment today and pin themselves to this document which, as I say, is ludicrous If that is their gospel, they will very soon find themselves in great difficulties

The Assembly then adjourned for Lunch till Two of the Clock

The Assembly re-assembled after Lunch at Two of the Clock, Mr President in the Chair

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The Honourable Sir George Rainy: Sir, I should like to begin what I have to say today with a brief reference to one who has been very frequently mentioned during the course of the debate, I mean my very close personal friend, Sir Padamji Ginwala, the President of the Tariff Board I do not suppose there is anybody in this House who knows Sir Padamji better than I do, or who has a greater respect and admiration for the admirable work he has done on the Tariff Board or for his independent judgment, his courage and the energy and thoroughness with which he always carries out his work Sir Padamji Ginwala is about to quit the presidency of the Tariff Board and I am very glad to have this opportunity of paying my testimony to all that he has done

My Honourable friend, Mr Moore, used a phrase in connection with the Minority Report on the oil industry, and the phrase was "a tissue of contradictions" He gave one particular instance in support of this charge The particular instance he gave was this He quoted from the summary in Chapter VII of the Minority Report the following sentence

'The prices both of the indigenous and the foreign oil marketed by this Company has been deliberately kept lower than economic considerations alone would have justified and are therefore unreal"

He then pointed out that in other places in the Report, Sir Padamji had expressed the view that the prices charged by the oil companies were exorbitant and had caused a great deal of loss to the consumer Now, if you place these two statements against each other and assume, without investigation, that they refer to the same prices, there is undoubtedly a contradiction But if my Honourable friend, whose study of the Minority Report must, I think, have begun only a short time ago, had taken care to verify the particular prices which were referred to, he would have found that the prices which Sir Padamji Ginwala considered had been deliberately kept lower than economic considerations allowed were the prices charged while the oil war was in progress, and the prices he considered exorbitant were the prices charged before the oil war began I think it is a pity that, because there has been some slight increase of tension during the course of the debate this morning, charges of that kind should be made on insufficient evidence against one who is not a Member of this House, and is not in a position to make any reply Those who remember Sir Padamji as a Member of this House, will have no doubt that he would have been perfectly capable of making a very effective reply on his own behalf

I felt it necessary Sir, particularly because I have had some connection with the Tariff Board myself to make that clear about Sir Padamji Ginwala but I must also make it clear that, in putting forward the proposals which are under consideration, the Government of India did not base their conclusions on the Minority Report but on the Majority Report in so far as they arose from the Tariff Board Report at all Sir Padamji and I—I am not revealing any secrets—did not always agree, and when we disagreed, I, being an obstinate Scotchman, sometimes used to say to

him, "You *think* you are right but I *know* I am right" and Sir Padamji was sometimes inclined to take up the same attitude Well, in this case, I do not, on a great many points, agree with the Minority Report, and it is right that I should say so quite frankly That is not in any way disparaging Sir Padamji Ginwala, but in my view, and in the view of the Government of India, it is the opinions expressed in the Majority Report which ought to prevail, and in so far as this proposal arises out of the Tariff Board Report at all, I will ask the House to understand that it is the Majority Report which has to be considered and not the Minority Report

The Government of India came to the conclusion that a substantial increase in taxation was necessary if we were to meet our liabilities during the coming year, and naturally all the important subjects of taxation passed under review One of them, of course was kerosene Now when we are dealing with an article of general consumption, we have to consider in a case of this kind whether if there is to be any increase in taxation, it should be in the form of an increase in the customs duty only,—or of excise duty only, or possibly of both In some cases there may be a claim to protection which may or may not be held to be established, but what is the position in this case? The arguments I have listened to from the European Benches seem to me to approach perilously near to this position, that because the industry has for a period of a quarter of a century enjoyed the benefit of a difference of one anna six pies per gallon between the excise duty and the import duty, therefore that difference must continue for an indefinite period Looking at it, as I look at all these questions, from the point of view of the policy of discriminating protection, I find it very difficult to understand how an attitude of that kind is to be justified The policy of discriminating protection is that industries are to be protected until they can stand alone and dispense with protection It is true that, in this case, the import duty on kerosene was not originally imposed as a protective duty but as part of the system of revenue duties which at the time of its imposition were the only kind of duties in the Indian Tariff Still let us take it on the basis that at one time the duty may have been required to keep the oil industry going Let us take it on that assumption A period of a quarter of a century has elapsed, and that being so, is it not fair to ask whether, in existing circumstances, the retention of that difference between the two rates of duty is still necessary in the interests of the Indian industry? What do we find? I would refer to the same figures which have already been quoted by my Honourable friend, Sir Purshotamdas Thakurdas, from the Majority Report of the Tariff Board It appears from these figures that, out of the total share capital of the Burma Oil Company,—a company which is responsible for rather more than three-quarters and rather less than four-fifths of the total production of crude oil in India,—it appears that of the total ordinary share capital of £6,800,000, only a little over £1,300,000 is subscribed capital, and about £5,500,000 consists of bonus shares In addition, there are £4,000,000 preference shares In the year 1927 the dividend declared on the ordinary shares was 20 per cent That is, it must have been a little over £1,300,000 on the ordinary shares, and the dividend on the preference shares, in addition, brings that figure up to something over £1,600,000 The total subscribed capital is £5,300,000, and the proportion of the two dividends together on the total subscribed capital is nearly 30 per cent

[Sir George Rainy.]

Now, let us get away for the moment from the peculiar circumstances of this industry. Let us take a quite different industry. Let us take the cotton industry. Supposing that the cotton mills which were responsible for nearly four-fifths of India's production were in a position to pay dividends to that extent, 30 per cent. on the subscribed capital, would it be wrong for Government, at a time when it was in need of money, would it be wrong for Government, granted always the fundamental policy of discriminating protection, would it be wrong for them in those circumstances to impose an excise duty? I mention that case particularly because it is the case where for natural and right reasons, prejudice against the excise duties is strongest.

Mr. Arthur Moore: May I ask the Honourable Member if he will give us the 1928 figures which will show that the particular company he refers to, the Burma Oil Company, paid the Government of India in taxation almost £2,000,000 sterling and they paid their shareholders, if you deduct the United Kingdom income tax, only about £800,000 odd?

The Honourable Sir George Rainy: I am afraid I do not see the relevancy of my Honourable friend's interruption. I prefer to pursue my arguments on my own lines. What I was saying was this.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): The Honourable Member said that the percentage was 30 per cent. He also told us that the original share capital was £1 million and some thousands and bonus £4 million and something. So the 30 per cent. is not on the one million originally subscribed, but is also on the bonus that was given.

The Honourable Sir George Rainy: No, Sir. I know how difficult it is, when one is dealing with figures, not to convey a wrong impression. What I did was this. I took the ordinary and preference dividends and added them together. I took the subscribed ordinary capital and the preference capital and added them together, and I took the percentage of the first total upon the second total. I did not wish to take the dividend purely on the subscribed ordinary capital, because you get an exaggerated result, which is not fair unless you bring in both the preference capital and the preference dividend, you would, in fact, get a figure which is misleading.

Now, Sir, this is the view the Government of India took as regards kerosene, that if the question arose of imposing extra taxation on kerosene the proper way of dealing with the matter was by an increase in the excise duty. I am perfectly prepared to defend that proposal as being in all the circumstances the right solution, because I am not prepared to support the proposition, as my Honourable friend Sir Purshotamdas Thakurdas could do quite consistently with his principles, that there ought to be no excise duty at all, or that the existing difference between the excise duty and the import duty should be continued indefinitely. Why, Sir, what do we find? If a new application for protection comes forward, it is always very carefully and narrowly scrutinised, and the recommendations which have hitherto received the approval of the House have always been on the basis of giving no more than was really necessary to put the industry on a sound basis. Unless we abandon that policy I do not see how we can consistently defend a position which amounts to this that, because an industry has for a quarter of a century enjoyed actual

protection of a certain amount, owing to the difference between the excise duties and the customs duties, therefore this difference must be regarded as sacrosanct, and the Government must in no circumstances interfere with it My Honourable friend, Mr Moore, was good enough to speak of predatory measures and political demonstrations and to suggest that the malign inspirations underlying these measures came from the Commerce Department If that means that the Commerce Department has any reason for desiring anything but the success of all Indian industries, if it means that the Commerce Department bears a grudge against any particular industry, I repudiate the charge But if it means that I refuse to apply one weight and measure to a new industry, usually Indian, applying for protection, and a different and more generous weight and measure to a long established industry, in this case mainly non-Indian, then I accept the charge I am not prepared to apply these different weights and measures (Hear, hear) It is the business of the Government of India, as it is the business of all Governments to try to do justice, and that is the basis upon which the Government measure proceeds

I should like to turn now to some of the reasons given by the previous speakers against the Government proposal One of them can be very briefly dealt with It was suggested that, because one company was so predominant in the oil industry, therefore the measure ought to be regarded as vindictive I cannot see how, in point of principle, it makes any difference whether it is one company or more than one company The only question is this, is the industry making large profits and is there reason to believe that those large profits are due to the difference between the customs and the excise duties? Whether it is one company or several companies to my mind, makes no difference at all

My Honourable friend, Sir Darcy Lindsay, said that special consideration was due to the oil industry, owing to the fact that, during the war, the price of Victoria kerosene had not been raised As far as I can make out, that statement is correct as regards the Victoria kerosene (that is the yellow oil) which was sold in bulk There were increases in the price of Victoria kerosene sold in tins, but that was due to other causes, mainly owing to difficulties about the supply of tin-plate, and the price of the oil in tins was raised several times, always in agreement with Government and with the Ministry of Munitions at Home Therefore, I accept that statement as generally correct But my Honourable friend, Mr Moore went somewhat further and said that it was a very remarkable fact that the price of this inferior yellow oil, Victoria kerosene, had been stabilised for a period of 25 years

Mr. Arthur Moore: To the extent of 195 000 tons, Sir

The Honourable Sir George Rainy. I do not quite understand how the consumer can get it in that form, because the pool cannot market a certain quantity of the same kind of oil at one price and a certain quantity at another My recollection is that, up to 1917, what was actually done was that the Burma Oil Company had its own separate selling arrangements, and the Victoria oil that they actually sold was sold at that price But after the close of the war, a new arrangement was arrived at, when the kerosene pool was established, in which the Asiatic Company, representing the Shell interest became partners, and after that, the arrangement was different The arrangement was this, that the

[Sir George Rainy]

Burma Oil Company and the other Indian companies in the pool undertook to sell to the pool 195,000 tons of the inferior oil at a fixed price of Rs 2-14-0 per unit of 8 gallons, *plus* the excise duty when that was imposed Thereafter the pool did the marketing on behalf of the particular companies, and prices were so adjusted that, on the average, at the end of a period, the pool neither made nor lost money But I should like to quote certain prices to show that it might convey a misleading impression if it were thought that there was no change in the prices of yellow oil in the last 25 years In 1914 the price of two tins was Rs 3-8 0, but in 1924 it was Rs 5-6-0 It continued at about that level, with small variations, up to the latter part of 1927, when the big fall in prices took place on account of the oil war, and since the termination of the oil war, it has never, I think, quite got back to its former level At one period in 1929 it was quoted at Rs 5 and I believe it is now somewhat lower

Now, Sir, I find great difficulty in understanding what the exact force of this argument is supposed to be, that because, during the war period, the oil companies were reasonable and did not attempt to profiteer as regards the oil used by the poorest classes of consumers, therefore they are to continue to enjoy indefinitely the benefit of the difference between the import and excise duties I can quite understand the argument that, if that difference is narrowed, the companies may have to reconsider their price policy, for in their price policy they are entirely free agents and have no agreement with Government on the subject But I do not understand why, ten years after the war, that particular argument must be treated as conclusive, and I should like to draw attention to a passage in the Majority Report—paragraphs 74 and 75—which indicates that the companies may have—or rather may have had—other reasons for keeping down the price of yellow oil besides the benefit to the poorer classes of consumers The reason suggested is that they might do so in order to prevent competition from abroad in this class of oil Whether the Tariff Board were right in their view on this point I am not prepared to say, because, whereas during the period preceding the oil war, right back till I think about 1922, the difference between the price of white oil and yellow oil was usually about Rs 1 6-0 a unit, and the impression that I always got from any inquiries I made upon the subject was that the oil companies were apprehensive as to their ability to sell their whole output of yellow oil if the difference was made any smaller Since May, 1928, the difference in the prices of white oil and of yellow oil has been only 8 annas a unit That makes a very great difference, and that leads me on to another of the reasons why it is suggested the Government of India's proposal should not be approved It is suggested that the actual result of the adoption of the measure will be not a reduction of price to the consumer, although the customs duty is proposed to be reduced, nor even the maintenance of the present prices, but an actual increase in the price to the consumer I doubt very much whether any one in India is in a position to say what the result will be, for in all the inquiries that I have ever made on the subject I have never found anyone in India who could give me a perfectly clear explanation of how the policy of the kerosene pool was determined I think it is only those in authority in London who can speak with authority on this subject But clearly it is a somewhat remarkable position if, assuming that, the ordinary laws

followed by a reduction in the price For, India is not self-supporting in the matter of oil, and cannot be so at present, and therefore, the governing factor would usually be the cost of importation It may be possible for the pool to maintain the old prices if, as has been suggested to me, for some time past they have been selling white oil at a price below world parity The figures that were suggested to me were these They have been selling the white oil in bulk at Rs 4-10-0 a unit, whereas the world parity would be somewhere between Rs 4-14-0 and 4-15-0 a unit. If that is so then no doubt they could maintain the present price, in spite of a reduction of two annas a unit in the customs duty, and they might even raise the price by a little over two annas a unit without reaching a price which was above the world parity But, if that is what we are asked to believe, then I do not understand what the maximum price policy of the pool, as it is called, means, and I do not understand the manner in which it has been applied since May, 1928, because, if the maximum price policy is intended to benefit the poorest classes of consumers, then it is difficult to see why the companies made a concession amounting to over four annas a unit to the consumers of white oil, who are not the poorest classes of consumers, and have narrowed down the difference between the price of yellow oil and of white oil to only eight annas a unit It is circumstances like these which give one reason to doubt what the maximum price policy has actually meant in its operation

Another circumstance which might make it possible for the companies to maintain the price of kerosene, notwithstanding the fall in the customs duty, would be, if there was an absolutely binding agreement with the only independent company which imports on a large scale, I mean the Standard Oil Company That again would be difficult to reconcile with the reports one has seen in the newspapers in recent days as regards the possibility of the outbreak of another oil war But I am not prepared to admit, until the actual facts prove it, that we are justified in assuming, as a matter of course, in contravention of the ordinary economic laws, that the reduction in the customs duty is likely to be accompanied by an increase in the price of kerosene

Now, I should like to come to a point which was mentioned by Mr Lamb, but which has not been dwelt upon much by subsequent speakers, namely, the danger which is said to threaten the smaller companies if the House should approve the proposals of the Government One of the difficulties in considering this particular part of the subject has been this, that the arguments in support of it always contradict each other We are told, on the one hand, that there is going to be an increase in price and that every bit of that 50 lakhs will be taken from the consumer. If so, there is no danger to the smaller companies, because they will be no worse off than they were before On the other hand, if they are to be seriously endangered, then the consumer is not in danger, and I must really ask my friends sitting on my right to choose on which horn of the dilemma they would wish to be impaled, because they cannot have it both ways As regards the smaller companies, I would say this Clearly the onus rests upon them to make out their case, and to establish to the satisfaction of Government, or of some investigating authority, that their position is very seriously endangered as a result of this measure If that could be established, then I do not doubt that this House, as well as the Government, would be perfectly prepared to consider fully and

[Sir George Rainy]

sympathetically what measures should be taken to prevent any serious danger Take the Attock Oil Company For obvious reasons, it is desirable that that Company should continue to produce oil It is the only company in this part of the world which does produce oil, and for practical reasons, in a war, for instance, it might be of very real service But it does not follow, even if it were established that the smaller companies do need some assistance, that we should adopt a method by which, for every penny which goes to the smaller companies, four pennies must be paid to the company that does not require assistance That seems to me a point very well worth bearing in mind

That, Sir, very nearly closes what I have to say on this subject today The only remark I should like to make in conclusion is this I think it is a pity that certain statements have been made without perhaps sufficient verification One I referred to at the outset of my speech, namely, the tissue of contradictions said to be found in Sir Padamji Ginwala's Minority Report Another I have frequently referred to in the last week or so, about the 15 lakhs that we were supposed to be putting into the pockets of the Standard Oil Company Now the Honourable the Mover of the amendment had read the import trade returns and made that very clear by the figures in his speech But if any of the speakers who in this House or in another place have referred to that alleged present of 15 lakhs to the Standard Oil Company had ever taken the trouble to look at the import trade returns, they would find that the oil coming from the sources under the Standard Oil Company is only a little more than half of the total imports The total present we could conceivably make to them, even if the price remained unchanged, is not 15 lakhs but only a little over 7½ lakhs These difficult and important questions cannot be disposed of merely by the hasty quotation of inaccurate figures They are very serious and difficult matters, and I hope that the House will consider them in a serious spirit and with the desire to do justice to all

Mr. Arthur Moore: On a personal explanation I should like to apologise to the Honourable the Commerce Member for not having been present at his opening sentences Therefore I did not hear his reference to the tissue of contradictions, but I would ask him, is it not a fact that in the Minority Report the President states that the Burmah Shell Company sells below the economic price, and also suggests that that Company sells at an exorbitant price?

The Honourable Sir George Rainy: That was precisely the contradiction with which I dealt I pointed out that, if the Honourable Member had applied himself to the study of the Minority Report, he would have found that the prices that were considered too low were the prices during the oil war, and the prices considered exorbitant were the prices before the oil war

Mr. Arthur Moore: I cannot quite accept that

Mr. B. Das (Orissa Division Non-Muhammadan) Sir, I think that a Member of our party should speak A prominent Member of my party has been unworthily attacked and I would like to speak.

Mr. President: The Honourable Member, unless he has got any fresh contribution to make to this debate, will now allow me to put the question We have taken nearly three hours on this amendment

The question is

"In clause 7 for the words 'one anna and six pies the words 'one anna and three pies' be substituted"

The Assembly divided

AYES—17

Alexander, Mr W
Ayyangar, Mr K V Rangaswami
Chaman Lall, Diwan
Cocke, Sir Hugh
Crawford, Colonel J D
Farookhi, Mr Abdul Latif Saheb
Gidney, Lieut.-Colonel H A J
Gulab Singh, Sardar
Heathcote, Mr L V
Kidwai, Sheikh Mushir Husain
Lamb, Mr W S
Lindsay, Sir Darcy
Moore Mr Arthur
Munshi, Mr Jehangir K
Reddi, Mr T N Ramakrishna.
Scott, Mr J Ramsay
Sykes, Mr E F

NOES—62

Abdoola Haroon, Haji
Abdul Aziz, Khan Bahadur Mian
Abdul Haye, Mr.
Abdul Qaiyum, Nawab Sir Sahibzada
Agnihotri, Mr K B L
Banarji, Mr Rajnarayan
Baum, Mr E F
Bhargava, Pandit Thakur Das
Birla, Mr Ghanshyam Das
Chettiyar, Rao Bahadur P T Kumaraswami
Chetty, Mr R K Shanmukham
Cosgrave, Mr W A
Crerar, The Honourable Sir James
Crosthwaite, Mr H S
Dalal Dr R D
Das, Mr B
Dutta, Rai Bahadur S C
Ferrers, Mr V M
French, Mr J C
Ghazanfar Ali Khan, Raja
Gwynne, Mr C W
Haji, Mr Sarabhai Nemchand
Hamilton, Mr K L B
Hardy Mr G S
Hira Singh Brar, Sardar Bahadur, Honorary Captain
Howell Mr E B
Ismail Khan, Mr Muhammad
Iswar Saran, Munshi
Jawahar Singh, Sardar Bahadur Sardar
Jmnah, Mr M A
Mitra, The Honourable Sir Bhupendra Nath
Mitter, The Honourable Sir Brojendra.
Monteath, Mr J
Mukerjee, Mr Saradindu
Mukherjee Rai Bahadur S C
Mukhtar Singh, Mr
Neogy, Mr K C
Noyce, Sir Frank
Pai, Mr A Upendra
Pandya, Mr Vidya Sagar
Parsons, Mr A A L
Patil, Rao Bahadur B L
Purshotamdas Thakurdas Sir
Rainy, The Honourable Sir George.
Rajah Rao Bahadur M C
Rang Behari Lal, Lala
Rau Mr H Shankar
Sahi, Mr Ram Prashad Narayan
Sams, Mr H A
Sarda, Rai Sahib Harbilas
Schuster, The Honourable Sir George
Shah Nawaz Mian Mohammad
Singh, Mr Adit Prasad
Singh, Mr Gaya Prasad
Slater Mr S H
Tin Tut Mr
Venkatakrishnayya, Choudhri, Mr P
Yakub, Maulvi Muhammad
Yamin Khan, Mr Muhammad
Young, Mr G M
Ziauddin Ahmad, Dr
Zulfiqar Ali Khan Sir

The motion was negatived

Clause 7 was added to the Bill

Clause 8 was added to the Bill

Mr. President: The question I have to put is·

"That clause 9 stand part of the Bill"

Rai Bahadur S. C. Dutta (Surma Valley *cum* Shillong Non-Muhammadan) Sir, there is an amendment* in my name

Mr. President: Does the Honourable Member wish to move it?

Rai Bahadur S. C. Dutta: With your permission I want to withdraw

Mr. President: In that case, I must proceed to put the question

"The question is that clause 9

Pandit Nilakantha Das (Orissa Division Non-Muhammadan) S there is a small amendment, in my name, and it is that clause 9 be omitte I move it because I find in the proposals of the Finance Member that th money, to the extent of Rs 32 lakhs or something like that, which v have been spending so long for debt redemption is, I understand, goi to be put into a new reserve fund created against the Postal cash certifica Bonus, which accrues from year to year This money which is withdraw from reducing unproductive debt is not going to be actually used f revenue expenditure purposes Thus it is withdrawn from paying a de bearing interest, say 5 per cent or 6 per cent, and is going to be laid l for the prospective payment of another debt, in which the interest in tl mean time is going on increasing I have already said that I do not w realise the utility of creating such reserves

The Honourable Sir George Schuster (Finance Member) On a poi of order, Sir My Honourable friend's objection seems to be to a gra which has already been passed by this House, namely, the provision of special fund to go to suspense account against the liability in respect Post Office Cash Certificates I understand that the point of my friend objection is that he dislikes that provision, but that provision, Sir, h already been approved by this House, and I suggest that he cannot arg on that ground in favour of his present amendment

Pandit Nilakantha Das: Am I in order, Sir?

Mr. President: The Honourable Member is not

Pandit Nilakantha Das: My objection is that if a new fund is going t be created

Mr. President: That has already been created by the vote of this Hous

Mr. B. Das: But, Sir, subject to the passing of this clause here

Pandit Nilakantha Das: If that is irrevocable and inscrutable, then I a afraid I shall have to withdraw my amendment My reasons are tha instead of creating such funds, we should utilise this money for reven purposes, and in that case we will be relieved of a certain amount of inte est which we do not get otherwise These new reserve funds will either l deposited in the Imperial Bank with no interst or even in some securi bearing 2 per cent, which is much less than the rate borne by our u productive debt This is the mystery about these reserves They a

*"That clause 9 be omitted"

shown in accounts But the actual money is never available when necessary We have got the Railway Reserve to the extent of about 23½ crores We do not know where it is deposited Last, I mean the current year, money was required for capital expenditure But the Reserve Fund could not be tapped even for a loan The actual money was not there in reserve Thus this Reserve will simply appear in accounts, and in any case money will have to be borrowed to pay even from the Reserve Why then simply forego the advantage of getting relief from the interest on debts for a number of years in the meantime? Why not now pay back the debt, and again borrow to pay the liability for Postal cash certificate? Anyhow, if that fund is already created, and cannot be revoked, I would like to withdraw my amendment with your permission, Sir

Mr. President: The Honourable Member has not moved it

Pandit Nilakantha Das: I moved the amendment in the very beginning, and therefore I beg your permission to withdraw it

The amendment was, by leave of the Assembly, withdrawn

Clause 9 was added to the Bill.

Mr President: The question is

"That Schedule I to the Bill stand part of the Bill "

Honourable Members are not quick They ought to rise in their seats in proper time if they want to move their amendments I take it that no Member wishes to move any amendment on this? (*Some Honourable Members* "Haji Abdoola Haroon is standing ")

Haji Abdoola Haroon (Sind Muhammadan Rural) Sir, I want to move amendment No 17, which stands in my name

Mr. President: There is one other amendment* from Diwan Chaman Lall

Diwan Chaman Lall (West Punjab Non-Muhammadan) I don't want to move it, Sir

Mr. President: That is all right then

Haji Abdoola Haroon: Sir, Before I say anything on my amendment, I must first of all congratulate the Honourable the Finance Member that, with this duty, which will yield about 5½ crores he will be able to pass the Finance Bill very smoothly and quietly I am somewhat surprised, Sir, that there is no strong opposition from this side of the House to any fresh taxation, because I find that the Bill is framed in such a way that, for some reason or other the House supports it quietly Take one instance Take the cotton duty There are some Members in this House who think that this 15 per cent duty will give them some relief, and that the mill industry will be able to get on, that it will enrich many shareholders and so on, and therefore they are supporting fresh taxation There

*"In entry (3) in Item 34 of the proposed amendment No 3 in Schedule I to the Bill

(*a*) the words 'and sugar candy' be omitted,

(*b*) the words '*plus* one rupee and eight annas per cwt ' be omitted "

[Haji Abdoola Haroon]

are some other Members who are jubilant that more *khadi* will be consumed because foreign cloth will become dearer, therefore they are not objecting to this duty While in regard to income-tax, there are some murmurs in some quarters, but the majority are in favour of it because they do not like capitalism

Now, with regard to sugar, as the Finance Member has indicated in his budget speech that the sugar industry is struggling and that it is necessary to give it some relief, Members have given their support to it I understand, Sir, that some group of sugar refineries which are mostly refining sugar from *gur* are not working profitably, and therefore they tried to set up an agitation, with the result that this duty on sugar has been imposed quietly in this Budget

Mr President: Does the Honourable Member wish to move his amendment?

3 P M

Haji Abdoola Haroon: Yes, Sir I move

"That for the proposed amendment No 3 in Schedule I to the Bill the following be substituted

'3 For Item No 34 of Schedule II, the following shall be substituted namely

			Rs a p
'34 Sugar, excluding confectionery (*see* No 124)—			
(1) Sugar, crystalised or soft 23 Dutch Standard and above	Cwt		4 8 0
(2) Sugar, crystallised or soft inferior to 23 Dutch Standard but not inferior to 14 Dutch Standard	Cwt	. .	4 0 0
(3) Sugar, crystallised or soft inferior to 14 Dutch Standard but not inferior to 8 Dutch Standard if imported for refining purpose	Cwt		3 0 0
(4) Sugar, below 8 Dutch Standard and sugar candy	*Ad valorem*		25 per cent plus one rupee and eight annas per cwt
(5) Molasses	*Ad valorem*		25 per cent.' "

In moving this amendment, I want to say that there may be some opposition to my amendment We know very well at present the sugar duty is Rs 4-8-0 per cwt , that is to say, there is 75 per cent of the duty already imposed on the article If you go through the history of the sugar duty you will find that, up till February, 1916, there was only 5 per cent duty on sugar and this means about 8 or 10 annas per cwt , but later on, on account of the war and scarcity of sugar in the world, the price in the market went very high Further, owing to the revenue requirements, the duty on sugar was raised as shown below From 1902 to 1916, 5 per cent , from 1st March, 1916, to 28th February, 1921, 10 per cent , from 1st March, 1921, to 28th February, 1922, 15 per cent , from 1st March, 1922 to 31st May, 1925, 25 per cent , from 1st June, 1925, to 28th February 1930, Rs 4-8-0 per cwt Later on on account of the Budget, they raised the duty to Rs 6 Up till 1925, the production of sugar in the world increased, with the result that the price of sugar commenced to fall

On the 18th February, 1925, the Indian Tariff Amendment Act was introduced by the Honourable Sir Charles Innes, the then Commerce Member In his speech, he cleverly pointed out the fluctuation of the sugar market, as well as revenue, on account of *ad valorem* methods, and made the House understand the difficulty of preparing the Budget He also pointed out that Rs 4-8-0 should be fixed so that this difficulty might be got rid of The following is a part of the exact speech made by him on that date in the Legislative Assembly Debates 1925, Vol V, page 1191

"We decided therefore that the best plan would be more or less to stereotype the existing rates of duty The rate of duty has averaged about Rs 4 8-0 per cwt in the last three years In the year 1922, it was Rs 6 9-0 per cwt, in the year 1923 it was Rs 4/1 per cwt, in 1924, it was Rs 4 7 0 and the present duty is Rs 4/6 per cwt We decided therefore that the best plan would be more or less to stereotype these rates and we are proposing a rate of Rs 4 8-0 for Java 23 Dutch standard and over and a rate of Rs 4 for sugar between 22 and 8 Dutch standard"

Sir, I am very sorry that at present I cannot produce the exact figures before the House about the sugar-cane cultivation in India, but I can assure the House that, within the time, that is from the year 1916 to 1930, the sugar duty increased from 5 per cent to 75 per cent This is about from eight annas per cwt to Rs 4-8-0 per cwt But on the other hand, you can see from the reports that the sugar cultivation in India did not at all increase Sir Charles Innes passed the Bill quietly then, and from that day, the sugar duty remains Rs 4 8-0 per cwt, although the market went down terribly It rose from 25 to 30, then to 60 and lastly to 75 per cent

I shall now give the House, Sir, some figures about the cultivation of sugar in India In 1916-17, the acreage under sugar-cane in India was 24,51,000, when the price of sugar was Rs 14-12-0, and the duty, at 5 per cent, came to Rs 0-11-9 In 1917-18, the acreage was 28,53,000 and the price of sugar was Rs 16/4 In 1919-20, it was 26,84,000 In 1920-21 the acreage was 25,75,000 In 1921-22 it was 23,95,000 and the sugar rate was Rs 32-4-0 I would inform the House that the sugar rate really went as high as Rs 32-4-0, whereas the acreage went down In 1922-23, it was 27,47,000 whereas the sugar market rate, *ad valorem*, was Rs 26-14-0 In 1923-24, it was 27,29,000, whereas the sugar rate was Rs 16-4-0 In 1924-25, the acreage went down to 25,32,000, whereas the sugar rate was Rs 17-12-0 In 1925-26, it was 26,79,000, whereas the sugar rate was Rs 17-8-0 In 1926-27, the acreage was 29,25,000 although the sugar market went down That year the price was Rs 14, including duty In 1927-28, the acreage was 29,58,000 whereas the sugar market was between Rs 10-8-0 and Rs 11 without duty In 1928-29, the acreage was 27,50,000 when the sugar market was only Rs 9 without duty This year, that is 1929-30, the acreage—I have no accurate figures—seems to be about 27,50,000 and the sugar market is only about Rs 6 8-0 or Rs 7 without duty It will be seen that the sugar cultivation in India always depends on the weather and rain and such other things and not on the sugar market Besides that, I want to say that, the sugar industry in India only started in 1917-18 when the sugar market was Rs 37 Now they have some mills in Cawnpore and they prepare sugar from *gur* which is not profitable Lately some sugar mills started in Bihar and they are preparing sugar directly from cane They are still preparing it, and they are going on in their own way

Mr. Vidya Sagar Pandya (Madras Indian Commerce): You have got a sugar industry in Madras.

Haji Abdoola Haroon: May be. But I may tell my Honourable friend that, so far as white sugar is concerned, India is not producing more than 125,000 tons, whereas the imported sugar comes to about 1,200,000.

Mr. M. S. Aney (Berar Representative): Will the Honourable Member give us figures for the manufacture of sugar. He has been giving us the duties, as well as the land under cultivation. I want him to give us figures for the manufacture of sugar.

Haji Abdoola Haroon: I am sorry I have not got the figures at present with me. But I may remind my Honourable friend that up till now, they have not been able to produce more than 125,000 tons of refined sugar by machines in India. I have already sent in two Resolutions, in 1928 and 1929, recommending protection for the sugar industry in India. But as my Resolutions did not find a place in the ballot, I could not move them in the Assembly. I also consulted Sir Godfrey Corbett on development of this industry.

(At this stage Mr. President vacated the Chair which was taken by Mr. Deputy President.)

I think, Sir, the House will be aware of the appointment of a Sugar Committee by the Imperial Council of Agricultural Research. This Committee had begun their work and have also passed a Resolution to the effect that this question should be handed over to the Tariff Board to consider as to how the cultivation of sugar should be carried out, and the manner in which sugar produce could be increased. Till that Report comes out, I strongly oppose and urge that this new duty should not be levied. Supposing the House levies this new duty, namely, from Rs. 4-8-0 to Rs. 6, and supposing the Tariff Board, after a careful inquiry into the sugar industry, comes to the conclusion that some more protection is required, or if they say that no further protection is required and Rs. 6 is good enough, then of course the Government will say, the duty of Rs. 6 is quite good, but we have no spare money to spend on the development of the sugar industry and therefore we are helpless. Sir, you might remember that a Sugar Committee was appointed in 1918 and the Report was published in 1920 or so. I do not know up till now what action the Government took on their recommendations. If anything has been done, I am not aware of it. If the Government are not prepared to spend any money for the proper development of this industry, what will be our position? We have already enhanced the duty from Rs. 4-8-0 to Rs. 6. As Honourable Members are aware, sugar is consumed by all classes of people, the poor, the rich and the middle classes. When such is the case you must consider whether the Government are entitled to enhance the duty on a commodity which is consumed by all classes of people. The increase of duty on sugar at present from Rs. 4-8-0 to Rs. 6 would not at all increase in any way the sugar industry, but on the other hand, about Rs. 2½ crores would go to the Government's pocket and revenue whereas the Honourable the Finance Member estimates it to be one crore.

Finance Member, in which he refers to the increased duty on sugar He explains to the House that the duties on sugar in most of the European countries and in the United States of America are on the same level as in India I cannot understand the way in which the Honourable the Finance Member compares India with the richest countries in the world. India earns an income of two annas per day per head, whereas England's daily income per head is Rs 2 and in the United States of America it is again about Rs 4 per day per head Of course I cannot speak about the income in France, Germany and other European countries Although they are charging a heavy duty on sugar, yet, side by side they are spending the money on sugar production, and they give enormous bounties to sugar refineries, cultivation and so on Take for example, England, where, as my Honourable friend said, they are levying very heavy duties as compared with other European countries Everybody will agree with this, but he has not shown us how these countries have been spending that income from the duties on sugar For example, England is recovering from the people about 18 to 19 million sterling as sugar tax per year I quote from circular No 195-E /709 of 1930 from Pusa, a sugar institution which belongs to Government This Report was an extract from the *Journal des Frabricants de Sucre*, dated the 1st February, 1930, published in Paris, which says

"A revised supplementary estimate of a further £12,50,000 required for beet sugar subsidy was issued yesterday"

That is in England

"The original estimate was £3,000,000 sterling, and the revised estimate of the subsidy in 1929 is £42,50,000"

I want to remind the House that England has recovered, as sugar duty, through the consumers, about 18 to 19 million pounds, whereas they are spending on sugar about four and a quarter million pounds I want to inform these Benches that, even in the last ten or twelve years, the Government of India have been increasing the sugar duty by leaps and bounds from 5 per cent to 100 per cent , and within the last three years, namely, in 1926-27, 1927-28 and 1928-29, the income from the sugar duty averaged 7 crores How much have they spent on the sugar industry? Last year they recovered 8 crores and 35 lakhs, but how much have they spent on the sugar industry ? According to the new duty they probably recovered from the people of India about 12 crores of rupees out of which the Honourable the Finance Member has very broad-mindedly sanctioned 10 lakhs If this is to be the way, I am sure the Indian sugar industry cannot be revived in any way

Sir, there may be some in this House who may say that I am a sugar merchant, and that is why I am opposing this But I must make it clear to this House that I know very well, as an Indian, that in the whole world up till 1912, India was the biggest producer of sugar Of course within the last few years Cuba and Java have been and today are producing more sugar than India I am proud to say that I am informed that India was the first country in the world to produce sugar-cane, and if this Government and we, the representatives of the people try our level best to help the sugar industry according to our ways and means, as the modern Governments are doing, I can assure this House that, in five years, India will consume her own white sugar and stop importing foreign sugar,

[Haji Abdoola Haroon]

whereas in the next five years I am sure India can export one million tons to foreign countries But if you only want a little help and you raise your duty from 5 per cent to 100 per cent and all that money goes to Government to be spent as they like, then I can assure you that you cannot increase your sugar duty at all Sir, since 1920 every year, or for three or four years, we have been increasing the duty on sugar, whereas in England—I am sorry I have not got the figures at present with me—but in England they are reducing their sugar duty, and side by side, they are helping their own industry I want to inform this House that, during the whole of its history until recently England never produced a ton of sugar From 1926 they tried to help this industry, and they started this industry by giving big subsidies to the producer or refiner For three years they cultivated and last year they produced 3,20,000 tons If England, which formerly never in its history produced a ton of sugar, can produce 3,20,000 tons, why should India not produce two million tons a year if it is properly protected? Sir, I think you can very well understand that Indians are not rich, and it is not fair on the part of Government that 100 per cent should be charged on a food article which is used by nearly all classes of people I hear from my countrymen that, even in the olden days, that is in the darkest days of India, the rulers did not at all impose such a duty on any food article

Owing to the fall in the prices of sugar, the sugar industry is now in a critical condition I am aware that the industry had already suffered a good deal because it is hardly producing one ton of *gur* per acre, whereas Java can produce about 4½ to 5 tons of refined sugar per acre Java can supply India with the cost of production and freight extra at Rs 6 per cwt, that is to say, Rs 4-8 0 per maund, whereas India cannot produce the same for less than Rs 8-8-0 or Rs 9 per maund So I think it is fruitless for India to compete with the foreign countries at the present moment The sugar industry cannot survive this, though zemindars, cultivators and refiners may find some sort of relief at present by the raising of the duty to Rs 1-8-0 a cwt It will not survive until and unless the Government of India come forward and introduce some measure, as was done in Java and Cuba, and the European Governments, that is to say, the economic and scientific and agricultural advice, subsidies, help, and so on Taking these difficulties into consideration, I think this newly imposed duty cannot help the Indian sugar industry, but on the other hand will fill the Government's treasury in order that they can spend more money on extra wages in the Military Department, in paying high salaries to the high officials and in building huge, fine palaces, etc I submit to the House that this newly imposed duty should be taken away

Now I want to make clear what my amendment is Paragraphs (2) and (3) of amendment 3 of Schedule I of the Finance Bill say that the duty on "23-Dutch Standard" and above is to be Rs 6-0-0 per cwt and on sugar inferior to 23-Dutch Standard it is to be Rs 5-8-0 per cwt, whereas I want to substitute Rs 4-8-0 and Rs 4-0-0 That is for white refined sugar, Government propose a duty of Rs 6-0-0, and I am proposing Rs 4-8-0 For brown sugar, that is inferior to 23-Dutch Standard, but not inferior to 8-Dutch Standard, they charge Rs 5-8-0, whereas for sugar inferior to 23-Dutch Standard but not inferior to 14-Dutch Standard, I am proposing Rs 4 In changing this, I want to make clear some points, namely, that

sugar between No 14 and No 8-Dutch Standards cannot be consumed, this sugar is meant only for refining purposes I have also suggested in clause (3) that the duty to be levied on sugar inferior to 14-Dutch Standard and not inferior to 8-Dutch Standard should be only Rs 3, if imported for refining purposes Sir, I want to draw the attention of the House to the fact that England which always used to import white refined sugar, lately reduced the duty on raw sugar to about 2s 3d per cent That reduced the price of raw sugar Therefore they are importing raw sugar from other countries and are refining it in their own country and consuming that sugar On account of that, the sugar industry in England has revived, and today many thousands of people are getting employment So if the Government take up this attitude in India also, and give proper protection and facilities to the sugar-cane growers, it will be a great source of help I request the Government to allow this raw sugar to be imported into India If they do so there may be some people coming forward and having refineries in India and thus it will be giving employment to many people The Honourable the Finance Member knows that, from 1928, the British Government in England have introduced this system in England, and as a result of this, employment has increased, and so they charged 2s and some pence per cwt less than the refined sugar Secondly, Indians can purchase sugar from the world-wide market and refine it in India for direct consumption During the year 1928 the Java Sugar Trust had plenty of sugar, and they were aware that India was bound to consume their sugar Therefore it was that they fixed 13 guilders (one guilder is equal to Rs 1-2-0) per 100 kilos for India, whereas they fixed 11½ guilders for the west of Suez They have done an injustice to India by playing this trick and have taken away about 15 crores of rupees from India, because we cannot import raw sugar from Cuba for the purpose of refining it Therefore we had to purchase Java sugar According to my amendment to Schedule I, I think if you put the duty at Rs 3 per cwt, the raw sugar, namely, Nos 8 to 14-Dutch Standard, may be imported to India and we can refine it here without allowing it to go into direct consumption By this India can increase her refining industry and also increase employment

In paragraph 3 of the Finance Bill it is stated that, on sugar below No 8-Dutch Standard and sugar-candy the duty is 25 per cent *ad valorem*, plus Rs 1-8-0 per cwt I agree with this suggestion, because I know that Java wants to export that sort of sugar to India and ruin the Indian production of *gur* I want to tell the House that lately I saw a sample of that sugar, and I found that it could not be consumed directly Up till now, they imported very little of that and I learn that that *gur* also is coming into India for refining purposes If that is so, I am not in favour of putting Rs 1-8-0 more duty on that *gur* But if the Government have further information on the subject, then I must agree with them Of course I do not oppose the duty on candy, because that is a rich kind of sugar, known as *misri* But for *gur*, which is coming in for refining purposes, I do not advise the Government to charge Rs 1-8-0 more

Of course, I am feeling very much the fact that, till 1912, India was the biggest producer in the world in sugar-cane, and I am told that India was the first country to commence the production of sugar-cane growing in the world As an Indian, I want this industry to be kept intact I

[Haji Abdoola Haroon]

ldy say to these Treasury Benches that they have already snatched awav tween 8 or 9 crores of rupees in sugar duty by Customs, and they still int to snatch some more money in order to balance their Budget This ethod can be of effect only for some years, say one or two years only, d later on they may come forward again with further taxation on sugar something else I assure that this will leave no scope behind for fur- t taxation in India

I wish to remind the House that I have today seen some old records which I find the following figures The Customs duty collected by the overnment in

1909 10 was Rs	7 44,00,000
1910 11	9,92,00,000
1911,12	9,70,00,000
1912 13	10,51,00,000
1913 14	10,29,00,000
1914 15	9,54,00,000
1915 16	8,91,00,000

hereas, in the present Budget, the Customs duty amounts to 55 crores uring the last 15 years it has increased from 9 crores to 55 crores How n the people of this country pay this huge amount of duty" I cannot derstand how the Government can get its money in the next two or ree years, because the traders, the merchants and others will say that ey are suffering from depression If this taxation is further increased, do not know whether India can stand it Therefore it is a very wise plan r Government to reduce the military expenditure, the high salaries to e big officials, the creation of more and more appointments in the civil lministration, also some of the extra charges incurred for buildings and her things If these are not stopped by the Government, I do not think dia can pay any more taxes I know very well that this Government ould not listen to these things, because I have read a chapter in the story of a great historical writer by name Ibne-Khaldoon, in which he says ow Governments are created and how they fall He says that, if a new overnment come into existence in any country, they have a small estab- hment, they impose a small amount of taxes and spend only a very small nount on the military and other expenditure in the beginning, but when ey stablise their Government and when peace and order reigns over the nd, the officials become slowly luxurious, and they require more nd more money On account of this, they increase the taxes bit by bit s I have illustrated in the case of the Customs tax, which has increased om 10 crores in 1915, to Rs 55 crores now, with the result that the eople become discontented In order to put an end to their discontent, ey increase their military forces and the police and so on In order to alance this expenditure newly incurred, they again have to rely on more xes The people at last become exhausted they approach the neigh- ouring Government or nation to save them from this tyranny, and call pon the army of the land to do likewise With the usual struggle and rivation, they come out successful at last Please compare your Gov-

But I may say that, whatever unrest is prevailing in this country at present, is only due to the Treasury Benches and not due to the people I think the future historian must decide whether the responsibility lies on the people or on the Government for whatever bloodshed or some other thing that might happen in the near future, but I for my part will say that it is only owing to the Government With these remarks I am putting this amendment forward for discussion, and I hope at least Honourable Members on this side will consider twice before they decide to reject it

Mr. Abdul Qadir Siddiqi (Central Provinces Muhammadan) Sir I rise to oppose the amendment What I have to say is that my Honourable friend the Mover of the amendment has rather supported the case for Government than for his amendment It will be found that, in 1913-14 the production of indigenous sugar or *gur* was 34 lakhs of tons, and at that time there were 26 lakhs of acres of land under sugar-cane cultivation In 1927-28, as my friend has already stated—of course the acreage has been fluctuating sometimes it has been high, sometimes it was reduced—but even in 1927-28 the production of *gur* was 32,08 000 tons

Haji Abdoola Haroon: I never quoted any figure for 1913-14, I said something about the figures for 1923-24

Mr. Abdul Qadir Siddiqi: I have no figures for 1923-24, but I have got figures for 1927-28 In that year the production of *gur* in India was 32 lakhs tons, acreage 29 lakhs

(At this stage Mr President resumed the Chair)

So the problem is really a very important one, and it should be very carefully considered by the House We all know that the price of *gur* has gone very low It should also be remembered by the House that there is over production of sugar in the world nowadays, and an attempt has been made by all the countries to dump sugar wherever it can find its way Most of the countries have protective duties, and some of the countries have enacted anti-dumping laws to prevent foreign sugar entering their own country But none of these protective duties exist in this country to prevent foreign sugar entering our market, and the import of foreign sugar has been increasing From the Government's Report for 1927-28 it will be found, that in 1927-28, the import of sugar increased by 23 per cent in three years, and the result of it must naturally be that refined sugar, which is produced here, has to face very hard competition The prices which are now prevailing are such that they not only affect the refined sugar which is being produced in India, but also affect the production of *gur*, which is particularly used by the poorer classes Therefore, if this industry of *gur* and sugar production is affected by foreign competition, then we will find that the present acreage of 29 lakhs which is always fluctuating, will be enormously reduced, and all that land will become useless, and lakhs of men, who are getting employment in producing *gur* or sugar, will lose their employment Therefore, this problem is really very important, and it should be very carefully considered Of course Government ought to have taken earlier steps to protect this industry but they have so far done nothing of the kind till now In 1920 the Sugar Committee was appointed, made investigations and submitted certain recommendations, but we do not find that anything has been done to develop the sugar industry or to protect the indigenous *gur* industry They

[Mr Abdul Qadir Siddiqi]

have been imposing certain duties for revenue purposes, and from the quantity of import of sugar which has always been increasing, it appears that they have had no effect on foreign sugar The House should also remember the fact that the import of sugar is not more than one fourth the quantity of *gur* that is produced in this country The sugar which is produced in India is not more than one lakh of tons If proper care is taken, and the industry is properly developed, not only will our present production of sugar be maintained but we will be able to produce as much sugar for the richer classes as is imported from foreign countries The present duty, Sir, may have some effect, I mean some protective effect, and it may indirectly help the sugar and *gur* industry, but we cannot definitely say what effect it will have on the industry as a whole for the present The Government should therefore refer the whole question to the Tariff Board and investigate it thoroughly and help both the industries of sugar and *gur*

Haji Abdoola Haroon: Where will they get money from for that purpose?

Mr. Abdul Qadir Siddiqi: If my friend has no objection to it, it might come out of the income which they will get from the Customs duties on sugar, and that can be utilised for the development of the sugar and *gur* industry of this country Let them also give bounties but I cannot at hand recommend anything to the Government unless the whole question is thoroughly investigated by the Tariff Board But for the present, the duty which has been imposed by the Government will certainly have some effect to protect the indigenous industry, and therefore I maintain that it should not be reduced With these remarks, Sir, I oppose the amendment of my friend

Mr. Mukhtar Singh (Meerut Division Non-Muhammadan Rural) Sir, I regret very much that I do not find Sir Frank Noyce in his place, though the subject under discussion happens to come under his Department It is really very regrettable that Government do not care to see the cultivators' point of view, and even in a manner like this, the Honourable Member in charge does not want to know what the opinions of Honourable Members of this House are

Now, Sir, I do not know whether I should congratulate the Honourable the Finance Member for the imposition of this duty, or whether I should say that the Finance Member has succeeded in one way to keep away the protection proper to a certain extent, but at the same time he has given only a very small amount of that revenue duty for the improvement of the sugar industry It is really very regrettable Sir, that, out of one crore and 80 lakhs, the Finance Member has proposed to give only ten lakhs for the development of this industry, and this paltry sum cannot really improve the industry This clearly shows that, at the time when the Finance Member thought of this duty, he had no definite idea that it should be given for the improvement and development of the indigenous sugar industry, otherwise he would certainly have found more money for the improvement of this industry I may tell the House straightaway that India is one of those countries which was producing sugar in such enormous quantities that it was not only sufficient to meet the requirements of this country, but it was able to export the surplus quantity to other countries But a time came when the people of other countries decided to give

bounties to sugar, and they began to dump their cheap sugar on to this country with a view to kill the indigenous sugar, and the Government of India, being interested in the countries which were manufacturing sugar outside, decided that India should remain a free trade country, and the result of it today is that we are in a very disgraceful position either as manufacturers or as growers It is a very disgraceful thing that even by putting on a duty of Rs 4-8-0 a cwt, we are quite incapable of competing with the imported sugar This is all due to the fact that the Government of the country do not take any interest in the masses of this country (*An Honourable Member* "Shame"), otherwise, with a duty of Rs 4-8-0 per cwt, I daresay, as far as this sugar industry is concerned, it would have stood by this time on its own legs I need not remind the House that, as far back as 1920, the whole question was investigated by a Sugar Committee, but the Government sat tight upon the recommendations of that Committee They did not take any action on it My friend Haji Abdoola Haroon wanted to move a Resolution Unfortunately, on the day when the Resolution was to be moved he was absent, and I moved it in his place The Government then told this House that the Royal Commission on Agriculture would report upon this question and their recommendations were awaited, and the whole thing was shelved for the moment Though I persisted and said that the Royal Commission on Agriculture would not make any recommendations because sugar was not within their sphere of inquiry, I was told I was wrong, and that the Government had placed this matter before the Royal Commission for investigation Now, what do we find? The Royal Agricultural Commission made recommendations for the formation of Boards for different crops but they have not said a word about sugar That also shows, Sir, how far the Government and the Royal Commission on Agriculture are interested in the improvement of the sugar industry of this country

Sir, I am very thankful to the Mover of this Resolution, as he has expressed sentiments in favour of improving the sugar industry of this country, but I fear, Sir, I shall have to oppose his motion Before giving my reasons, why this imposition of the duty is welcome, let me say a few words on the question raised by the Mover He seems to be under the impression that, as the area under sugar-cane cultivation has not gone up, the imposition of the duty on sugar will not benefit the grower Let me tell him that this impression is incorrect The problem of the sugar industry does not lie in bringing a larger area under sugar-cane, but the real problem is to produce more from the area that we are already cultivating The area under sugar-cane cultivation, which is about 29 lakhs, or which has varied from 23 to 29 lakhs of acres, is quite enough to produce enough sugar for this country But the main point is that our production today is insufficient, and if we were to attempt to increase the tonnage of sugar per acre, the result would be that the production would be quite enough to meet the requirements of this country

Mr. Muhammad Yamin Khan (United Provinces Nominated Non-Official) How will you be able to do it? By this increase of duty?

Mr. Mukhtar Singh: I shall come to that a few minutes later, and I shall show that this is not the way in which the sugar industry can be protected Certainly, an increase of duty will be indirectly an advantage both to the grower as well as to the manufacturer, but I do not think that it will improve the condition of the sugar industry of this country. I was

[Mr Mukhtar Singh]

4 P M submitting, Sir, that the acreage is not the main point According to the Sugar Committee's Report, if I remember aright, the tonnage per acre in India was considered to be 8 tons an acre, while in Java they found out that the tonnage of sugar-cane per acre was 36 tons That is, it was about 4½ times more than India was producing In the meantime Java people have been able to produce 42 tons to an acre It clearly means that there is a very big margin between 8 tons and 42 tons to an acre, and that will clearly convince my friend, Mr Haroon, that, if we increase the tonnage of sugar-cane per acre, we shall be able to produce a sufficient amount of sugar which will not only be able to give us the entire amount needed for this country, but we shall also be able to export something outside The main point then would be whether it is possible to increase the yield per acre from 8 tons to 42 tons

Mr. President: That is not relevant to this amendment

Mr. Mukhtar Singh: That will be relevant in this way My friend Mr Haroon, in submitting his motion, stated that, because the area under sugar-cane had not increased, therefore there was no necessity of imposing the duty I am meeting his argument by saying that there is a likelihood of increasing the amount of tonnage per acre and then it will give more sugar, though the area remains the same

Haji Abdoola Haroon. How are you going to increase the tonnage?

Mr. Mukhtar Singh: If my Honourable friend will refer to the reports of the different Agricultural Departments in the country, he will find that, by the introduction of new varieties of canes, the tonnage has increased by at least 100 per cent (Interruption) I was submitting, Sir, that it is a certainty that the increase in tonnage of sugar-cane per acre has gone up since the introduction of new varieties of canes, and we shall be able to produce more sugar-cane than we are producing today My Honourable friend has stated that we are producing only 1,20,000 tons of sugar in this country, while we are importing more than 8 lakhs of tons from foreign countries, and therefore it is no good to impose a duty on sugar I may remind my friend that, besides 1,17,048 tons of sugar, we are making 32,16,000 tons of *gur* and there is a very large amount of refined sugar produced under the indigenous manufacture Unfortunately figures are not available as to how much sugar we are producing by the indigenous methods So to compare 8 lakhs with one lakh will be a fallacy When we are considering a question of this nature, we must take the total consumption, and if we do not take the amount of sugar produced by the indigenous method, the amount consumed will be something more than 40 lakhs of tons per year As a matter of fact, the main point that we ought to consider would be whether the producer of *gur*, who is producing not less than 32 lakhs of tons every year, is to be protected My Honourable friend has suggested that there should be created a third category and that refineries should get *gur* at a cheaper rate

Haji Abdoola Haroon. Nobody in the world can compete with *gur* in India Whereas the sugar market varied from 1901 to 1915, *gur* was at that time and is still at the same level

Mr. Mukhtar Singh: I consider my friend is wrong Two years before, Java could not manufacture *gur* and therefore there was no competition

with Java, but now things have changed The Java people came to India, they studied the manufacture of *gur* in this country and consignments of *gur* are already reaching India

Haji Abdoola Haroon: I want to explain that My friend has stated that *gur* was not prepared in Java There is some indigenous industry in Java, where they make *gur* That was being exported to China and Japan for refining purposes I have seen the sample They are now sending it here for refining purposes and it does not compete with the *gur* here

Mr. Mukhtar Singh: I do not understand what is the difference My friend says that the *gur* that is imported into this country for refining purposes does not compete directly with the *gur* in this country Even if I take it for argument's sake, then does it not compete with Indian *gur* directly? Any stuff which contains sugar competes directly with sugar produced in this country, and as it is at present, affects the price of *gur*, and as my Honourable friend himself admitted, there are a number of factories working in this country, there are a large number of refineries working in this country which want to produce sugar from *gur*, and for their sake he suggests that there ought to be a cheaper rate of duty on that kind of stuff May I tell him that these factories consume the Indian *gur* for that purpose?

Pandit Nilakantha Das: The Honourable Member, Haji Abdoola Haroon, and the Government have no quarrel as to the duty on *gur*

Mr. Mukhtar Singh: I do not know that Clause 3 of the amendment says

"Sugar, crystallised or soft inferior to 14-Dutch Standard but not inferior to 8-Dutch Standard if imported for refining purpose, Rs 3, per cwt"

Haji Abdoola Haroon That is not *gur* That is raw sugar which is 96 per cent

Mr. Mukhtar Singh: My friend can call it raw sugar as *gur* is not the technical word and *bura* sugar is the proper word to be used for that purpose He wants a cheaper rate of duty for that purpose What would be the result? The result would be that the refineries here would not consume Indian *gur*, but they would depend upon *gur* imported from Java

An Honourable Member. It is raw

Mr. Mukhtar Singh: You can call it raw I think he used the word Muscovados sugar I was submitting, Sir, that the importation of any stuff which will be used by the refineries in this country will directly compete with the *gur* manufactured in this country and that will have a depressing effect No doubt it will not hit directly the manufacture of sugar, but it will directly hit the small grower who manufactures *gur* in this country From my point of view, I want that the farmers of this country should live, and in order to save them from ruin, I want that the importation of *gur*, or anything which can directly compete with *gur*, should be stopped altogether It is with that idea that the Sugar Committee was appointed by the Bihar Research Council and it recommended that the import duty on *gur* should be levied at once, and that was approved by the Imperial Agricultural Research Council in December last, and it is in accordance with that that this duty has been raised

[Mr Mukhtar Singh]

My Honourable friend Haji Abdoola Haroon said that Indians are not able to compete with the imported sugar, because they are mostly manufacturing sugar out of *gur* But this is not correct For his information I may tell him that the production of sugar direct from cane in 1924-25 was 9,21,950 maunds, while refined from sugar, it was 9,16,121 maunds, and in 1927-28, the sugar produced direct from cane was 18,45,752 maunds, and refined from sugar it was only 14,16,926 maunds So as a matter of fact the amount of sugar refined from *gur* is going down and down every day, and the sugar produced directly from cane is going up and up every day That clearly shows, Sir, that the new factories that are being set up generally manufacture then sugar directly from cane, and there is one very great difficulty in this country, on account of which the sugar factories which manufacture sugar directly from cane are not in a position to give better results The question of transport is a very difficult problem in this country and especially when the transport is controlled by railways I regret very much to say that it is a fact that, even when there are two factories working, one owned by a European and another by an Indian, the railways give better facilities to the European owned factory When things like these have happened and are happening, you cannot depend upon railways for transport and there cannot be any cheaper way of transport than railways The result is that it becomes very very difficult for factories to manufacture sugar directly from sugarcane, and this is one of the reasons why people in India have to manufacture then sugar from *gur* rather than direct from cane, and it is on account of that that the Sugar Committee pointed out that the Government of India should try and find out some other product which may be between sugar and *gur* and which may be used for refining purposes But the Government of India have done nothing so far Rather the expert opinion that was given, by the Members of the Sugar Committee, was that it was an impossibility, and there could not be found anything between *gur* and sugar If the research departments of the Government of India had taken that recommendation seriously, it was possible that we could have found out some other stuff which could be used by these refineries and could very well be manufactured by the ordinary grower But unfortunately this was not done As I was submitting, Sir, this is one of the difficulties There is another great difficulty and it is this If the sugar cane does not reach the sugar factory fresh, it gives a very low percentage of sugar, and it always happens that when sugar-cane is transported by railways the canes do not arrive fresh, and in that way

Mr. President: The Honourable Member knows that this is not at all relevant to the amendment I think it is high time that Honourable Members restricted themselves to amendments, otherwise there will be no end to this debate

Mr. Mukhtar Singh: I submit, Sir, that my Honourable friend Haji Abdoola Haroon pointed out

Mr. President: But two wrongs do not make one right If the Honourable Member who moved the amendment was irrelevant, there is no reason why the speaker should also be irrelevant

Mr. Mukhtar Singh: Then, I will leave that point, Sir I may tell the House that the sugar industry has improved to a very great extent in this country, in spite of the apathy of the Government From the

Sugar Committee's Report you will find that the percentage of sugar got n the different factories of this country was a bit above 5 per cent In 1920 the sugar factories in India got 6 85 per cent In 1927-28 they got 9 5 per cent and in large factories they got 9 25 per cent, and in one actory the percentage of sugar got from cane was 10 3 per cent, while in Java the percentage of sugar got is about 11 per cent So practically the efficiency of the sugar factories in India has reached the Java figure, and when we remember that the sugar-cane that we are producing is more fibrous than they are producing in Java, it will be quite clear that we have practically reached a stage when we can say that the sugar actories working in India are efficient That clearly shows that it is quite necessary that some protection should be given

I may tell this House what has happened in other countries I am quoting the instance of Australia In 1925 they prohibited the import of sugar An Act was passed to remain in force up to 1929, but now they have extended the application of that Act up to 1934 In the meantime, they did not remain quiet They appointed a Sugar-cane Price Board and a Sugar Board Both these Boards decided at what rate sugar-cane should be sold, these Boards decided at what rate sugar should be sold, and the result is that the cost of production has gone down considerably The same ought to have been done in this country What has happened in this country is that the sugar-cane grower and the sugar manufacturer are not co-operating, and the result is that the sugar factories are not getting what they ought to have got In considering the help to any industry, our main point ought to be whether it is likely that, at a future time, it is possible for that industry to stand on its own legs And if we are quite satisfied that the sugar industry is likely to stand upon its own legs, Government should certainly help that industry As I have stated, the sugar industry, in spite of the apathy of Government, has done a great deal, and if Government support that industry, it will be able to stand completely upon its legs in ten years Unfortunately, the Finance Member has imposed a revenue duty, and I would have liked that the whole revenue duty had been a protective duty, so that the people in the country would have known that, at least for a few years to come, they were quite safe and they could start their sugar factories What will happen now? The Finance Member has proposed an increase in revenue duty It is possible that, next year, the revenue duty may not be required or may not be levied, and all these factories which come into existence in the meantime will have to suffer a loss If the whole thing had been changed into a protective duty, it would have been done by an Act of the Legislature, and it would not have been within the power of Government to decrease that duty at their sweet will And in consideration of the protection given by Government, private people would have established their own factories themselves. The Sugar Committee did not recommend the imposition of a sugar duty, but they asked for a reference to the Tariff Board, so that all these questions might be gone into and it might be decided in what way protection should be given to the sugar industry I hope and trust that, by the increase in the import duty, Government are not shelving a reference of the matter to the Tariff Board Rather, side by side with this, the question should be referred to the Tariff Board, so that an investigation might be made in the meantime, and the tottering condition of the sugar industry may be improved within a few years If by reference

[Mr Mukhtar Singh.]

to the Tariff Board it is found that protection is needed, protection should be given Unless it is done on these lines, I am afraid the sugar industry, in spite of this duty, will not survive Government have already lost ten years, and if they are going to lose a few years more, I am afraid at a time when the world production is much more than the consumption, the sugar industry will be doomed

Referring to the *Trade Review*, Sir, you will be pleased to find that, in 1927-28, the sugar production of the world was 24,000,000 pounds, while the world consumption is considered to be only 23,000,000 pounds When the world is producing much more sugar than it can consume, and India is the only country where this surplus can find a place, the result will be that we shall be very hard-hit You will be pleased to find that we have proposed an increase in duty to the extent of Rs 1-8-0 per cwt , but if you refer to the prices of sugar, you will find that the price has gone up only by 12 annas It means that Java can stand this duty, at least by half, very easily, and it will not be in any way a very great help to the industry

There is one more point, Sir, which I consider to be very important From the conduct in the past of the Java manufacturer, we have found that Java has given two different rates, one for India and another for Europe That clearly shows that it wants the sugar industry here to become extinct The monopoly will be in the hands of Java, and the result will be that the prices will go up very high, and at the same time the sugar grower will be very hard-hit, especially at a time when there is no other valuable crop, or as we call it, cash crop, left Sugar-cane growing is the only cash crop, so far as the United Provinces and the Punjab are concerned, and if the sugar industry is ruined, the natural result will be that, not only will the sugar-cane grower be hard-hit, but the revenues of Government, which are mainly drawn from irrigation and land revenue in the United Provinces, will be seriously affected

With these words, I oppose the motion, and I hope the House will consider that, at least a small duty, which will indirectly give a small protection, should be imposed

The Honourable Sir George Schuster: Sir, I listened with very great interest to the speech made by the Honourable the Mover of this motion, and I must congratulate him on having got together such an interesting lot of information Since then, we have had two very able speeches opposing my Honourable friend's motion, and I feel that the case against the motion—which I also must oppose—has been so very ably put, that I myself am left with very little to say My Honourable friend Haji Abdoola Haroon, as far as I can summarise his speech, seemed to me to make two points His first and his substantial objection to the proposal which Government have put forward was, as I understood it, that he objected to this measure of additional taxation because it was not balanced by a corresponding expenditure on the development of sugar production in India I think I must be right in so interpreting him, because, last year, he himself put down a Resolution proposing that the duty should be increased practically in exactly the way in which we are now proposing an increase, and he added to this, the proposal that a corresponding amount should be spent on the development of the sugar

industry Now, Sir, if I am right in my interpretation of him, I think, that by itself answers a great part of his argument That is to say, it answers all that part of his argument which was based on objections to so high a rate of duty. His objection is not to the high duty in itself, but rather to the failure of the Government to put forward proposals for spending something like two crores this year on the development of the sugar industry

The second part of his speech, as far as I can put it shortly, dealt rather with the details of his proposals, the variations in the rate of duty which he has proposed in order to encourage the development of the refining industry in India I should like to make clear what is the Government's position in this matter I think I am entitled to say that there is every probability that a Tariff Board inquiry into the sugar industry will be held in the course of the next 12 months Pending such an inquiry, the Government can only deal with sugar duties from a revenue point of view There were certain changes in the classification of sugar which we should have, for administrative reasons, been glad to introduce this year, but, pending the Report of the Tariff Board, we thought it better to leave the existing classification undisturbed and merely to propose an all-round increase in the duty of all three grades That is our reason for being unable, at the present moment, to consider such alterations of detail as my Honourable friend proposes

Coming, Sir, to the speech to which we have just listened, made by my Honourable friend, Mr Mukhtar Singh, he is, I am glad to find, on my side in this matter in supporting our proposals for an increased duty But he also had a complaint to make that the Government were not proposing to allocate a sufficient amount for expenditure on sugar measures this year I should like to put it to him that, even when we are considering such valuable expenditure as the encouragement of sugar growing, there is just the same need for economy and careful consideration of how the money is to be spent as when it is being spent on such unpopular subjects as salaries for high officials Actually the proposals which are before the Department of Education Health and Lands can be amply met from the sums which we are providing this year, namely, the 10 lakhs which is being specially voted for sugar measures which could also be supplemented by money which has been already voted for agricultural research

Finally I should like to say one thing in conclusion, and this is all that I need say I wish this House to take our proposals in respect of sugar this year as a first step in a definite policy The step perhaps does not go very far, but if, as a result of the Sugar Committee's inquiries, and if as a result of the work of the Central Council of Agricultural Research, or again as a result of the Tariff Board inquiry, we find that further measures are necessary, it is certainly the intention of the Government that they should be proceeded with I am full of hope myself that, if things go well, we shall find ourselves next year with some margin for further expenditure without the imposition of additional taxation At present, we are carrying our proposals as far as we think it right to go, because we are providing money for all those schemes which are already ripe for being taken up But that is not the end of the matter, and, therefore, I can confidently commend our proposals, so far as they concern sugar policy, to the support of this House

[Rai Bahadur S C Dutta]

Sir, I want the House to consider what will be the effect of an import duty on an article which is also partly produced in this country The price will certainly increase, not only of the article which is imported, but also of the article which is produced in the country When the consumer purchases the imported article, the duty that is imposed goes to the State, but when the consumer purchases the article which is produced in the country, that portion does not come to the Government treasury, but goes to the producer Where the production of an article in the country is considerable—and in the case of sugar there is a considerable production of an indigenous character in this country—and if we take *gur* along with sugar, as there is a reaction of prices between sugar and *gur*, as adverted to by my Honourable friend Mr Mukhtar Singh, the disparity between the quantity imported and the quantity produced in the country is much more, and the result in loss to the consumers is much more than the gain to the treasury Only a very small portion of the amount paid by the consumer comes into the Government treasury Now this is a very serious evil On account of some import duty on an article on which there is no countervailing excise duty all of what the consumers pay do not come into the Government treasury This evil has to be guarded against The evil can be tolerated only where a case for protection is made out Now if we are to consider the effect of an import duty from the point of view of protection of the indigenous industry, we have to consider whether a case has been made out that the industry requires protection and that the industry is in a position to profit by the protective duty

Sir Cowasji Jehangir: I rise on a point of order, Sir Is the Honourable Member in order in placing before the House arguments against his own amendment?

Rai Bahadur S. C. Dutta: My point is, Sir, that Government do not justify the duty on the ground of protection, they want it on the ground of revenue It is rather a matter for congratulation that the Government want to help the industry in some other way, Sir, for which provision has been made in the Budget What I put to the House is that, when the object is not protection but one of revenue, then it is an evil that, out of the amount contributed by the consumers, only a small portion comes to the Government coffers This should never happen, and from this point of view I urge that when an import duty is to be levied without a countervailing excise duty on an article largely produced in the country, the import duty should never be high, and therefore I propose to raise the import duty from Rs 4/8 to Rs 5/- and from Rs 4/- to Rs 4/8, while the Government want to increase the same up to Rs 6/- and 5/8 What I say is that if there is really any need for increased revenue, there should be only a slight increase, and my proposal would not hit any of the existing interests, for I do not propose to lower the existing duties, but only to raise them slightly I also wish the House to bear in mind that such an increase as the Government propose is not justified for purposes of revenue If the duty is much higher, then it may affect consumption and reduce the income From that point of view, I submit that my amendment may be accepted by this House.

Mr. President: The question is

"That for the proposed amendment No 3 in Schedule I to the Bill the following be substituted

'3 For Item No 34 of Schedule II the following shall be substituted, namely

			Rs. A.
34	Sugar, excluding confectionery (*see* No 124)—		
	(1) Sugar, crystallised or soft 23 Dutch Standard and above	Cwt	5 0
	(2) Sugar, crystallised or soft inferior to 23 Dutch Standard but not inferior to 8 Dutch Standard.	Cwt	4 8
	(3) Sugar, below 8 Dutch Standard and sugar candy	*Ad valorem*	25 per cent.
	(4) Molasses	*Ad valorem*	25 per cent'"

The motion was negatived

Mr. W. S. Lamb: Sir, may I be permitted to move my amendment to item 4 of Schedule I?

Mr President: Have copies been supplied to Honourable Members? The Honourable Member wants to move the following amendment.

"That item No 4 in Schedule I to the Bill be omitted altogether and that the subsequent items be renumbered accordingly"

Mr. W. S. Lamb: Sir, I rise to move the amendment which you have just read to the House This item No 4 concerns the proposal of Government to reduce the import duty on kerosene imported into India Sir, the recent debate on clause 7 is very closely allied to this motion of mine, and, therefore, particularly as I desire to speak of the smaller companies, I may be permitted to refer to one or two points made by the Honourable the Commerce Member I do not propose to attempt to deal with my friend Sir Purshotamdas Thakurdas If I had sat in my place here when I first came to the Assembly some four years ago, and heard his thundering directed at me, I should have been awed As it is, in all these years I have learnt that the Honourable Member is not unwilling to lend his eloquence to causes of which he knows very little Regarding his particular attack on this group, I will say nothing, but merely that he may consider, when he sees the official report tomorrow morning, whether he is happy to think that such language is on record and whether it is worthy of the position he desires to hold in this House and in the country

Now, Sir, with regard to the Commerce Member . .

Mr. President: More or less the same thing

Mr. W. S. Lamb: I desire to reply to one or two points raised by him. I had no opportunity of doing so, and it is germane to my present motion . .

Mr. Vidya Sagar Pandya: How is it germane?

Mr. W. S. Lamb: If you will wait a little you will see how it is germane. Sir, the Honourable the Commerce Member said something about the smaller companies He said that if the price, as we are told, is going up, they will recover the duty The situation is this. The Burmah Oil Company or the Burmah Shell Company control the prices in India As the House knows, I think, a certain proportion of the oil they sell is foreign

[Mr W S Lamb]

oil, and they will get a certain proportion of the 15 lakhs remission if this proposal is accepted, so that if the prices are increased, as I think they will be, they will not be able to increase them to the full extent of the four annas which have now been put upon a unit That is, the price may be increased by 2 annas or 2½ annas, and the smaller companies will recover only that amount, that is, all the oil sold by them is indigenous oil and therefore they will have to pay four annas extra and receive only Re 0-2-6, so that, assuming the price is raised in that way, on their sales, they will lose 0-1-6 or Re 0-2-0 per unit That is one point

Now, Sir, the Honourable the Commerce Member seems to make somewhat of a fetish . .

Mr. M. S. Aney: Will the Honourable Member tell me what percentage of the oil sold by the Burmah Oil Company is foreign oil?

Mr. W. S. Lamb: I have not got the exact figures, I could not tell you that The point I was making is this The Honourable the Commerce Member seems to make somewhat of a fetish of the difference between the prices of inferior oil and superior oil He suggests that 8 annas is very small Actually, before the war, when I myself had something to do with kerosene sales, the difference between the two qualities was not more than Re 0-4-0 and Re 0-6-0 so that I do not quite understand why he should place so much significance on this difference of 8 annas

Then again the Honourable the Commerce Member appears to believe that refineries in India are compelled to produce this inferior quality of oil Sir, at one time that was so, and it was quite a good thing that India could take it. But nowadays there is no reason why they should continue to make that quality, because by a recent process invented called "cracking", we are able to make petrol and white oil out of it, and if because of Acts of this House, India will have to go without this cheap inferior kerosene, it will have to pay much more for the superior kerosene oil

With regard to this motion, Sir, I should like to put to the Finance Member and to the House that, as things are at present, the import duty has not prevented foreign oil from coming into India As the indigenous oil has decreased, the foreign oil has increased, so that really I see no reason whatever why the Honourable the Finance Member should give away 15 lakhs

I would, then, suggest to him and to the House that they accept my motion and that the Finance Member may retain this 15 lakhs, so that later on, when difficulty arises, he might give some help and assistance to the smaller companies As I have suggested, and as is possible, we are threatened with a very severe war of rates I am not pleading for the Burmah Oil Company, I am pleading for the smaller companies, and if, as is possible, they are driven to the wall, I think the Finance Member might very well contemplate the putting by of some money, such as this 15 lakhs, so that he might possibly apply it to some scheme for the relief of the smaller oil companies.

Mr. President: The question is:

"That in Schedule I to the Bill the proposed amendment No 4 be omitted altogether and that the subsequent amendments be renumbered accordingly"

The motion was negatived.

Mr. President: Mr. Rahimtulla

Mr. B. Das: Sir, as there is a meeting of the Empire Parliamentary Association at 5 P M , might I suggest that the House might adjourn now?

Mr. President: Public business has precedence over all other business

Mr. Fazal Ibrahim Rahimtulla: Sir, I beg to move that

"In Schedule I to the Bill, the proposed amendment No 5 be omitted and the subsequent amendments be renumbered accordingly"

Sir, I do not wish to take up the time of this House by making a long speech on this question The question is of very great importance and has been engaging the attention of the country for a long time This question, Sir, was debated in all its aspects at the recent meetings held on the 14th, 15th and 16th February, 1930, of the Federation of Indian Chambers of Commerce and Industries The Resolution at that meeting was moved by Mr Chunilal Mehta and it was to the following effect

"The Federation views with alarm the serious depreciation in the value of silver caused by Government sales which has seriously affected the value of the savings of the masses in India The Federation considers it imperative that the Government of India should stop the sales of silver"

Whilst dealing with this question, Sir, Mr Chunilal Mehta also adequately dealt with the question of the import duty, which is detrimental to the country and which the Honourable the Finance Member has now introduced He says that, "From certain quarters suggestions have come that import duty should be imposed on silver" Gentlemen, let me say that the remedy is worse than the disease The imposition of an import duty on silver will fictitiously raise the internal price of silver, but the external price will decline to an extent from which the white metal could never recover India is vitally interested in high prices of silver in the international market, even if we are to adopt Gold Standard

The Government of India, in their memorandum submitted to the Currency Commission, had suggested an import duty on silver The Currency Commission, while rejecting the suggestion, observed as follows

"In our opinion however the efforts to maintain the domestic price of silver, that is by import duty, irrespective of world price, would probably fail There has always been a considerable trade in silver over the land frontiers of India and apart from the difficulties of attempting to exclude a valuable metal from a wide frontier, if people who are accustomed to do that trade were to find that the value of silver in the outside world was very much below the value in India, it would probably affect confidence in the value of silver in India itself In the case of an article which like silver is largely kept as a store of value, the influence of opinion on its value is extremely important"

5 P M

In the light of what the Currency Commission has said it is clear that import duty on silver is both inadvisable and detrimental

Now, Sir, I will come to the speech of the Honourable the Finance Member in dealing with this question The reasons why he wished to introduce it were two. The first was this

"I consider, however, in the special circumstances now prevailing, that it is on every ground desirable to have some margin of safety, taking into account the uncertain prospects which we have before us and taking into account also the paramount importance to which I have already referred, of improving our credit by displaying a strong financial position to the world"

[Mr Fazal Ibrahim Rahimtulla]

The second point was this

"I am prepared to say that we have a very special purpose in mind for the application of that surplus We regard this duty, principally in fact, as a measure which will give us a margin of revenue from which we shall be able to make a distribution to provinces after the forthcoming statutory revision to give them the funds which they require for nation building services "

Now, Sir, these are the two objects which the Honourable the Finance Member has in view in introducing this duty A friend of mine, a very influential man in Bombay, on hearing this point, has informed me to this effect, and I think it is very important because he is actually in a position to give an opinion on this subject He says.

"Regarding the merits of duty on silver, it amounts to robbing Peter to pay Paul It is really a misfortune that the unrepresented masses who are actual consumers of silver will have to pay over a crore of rupees more for their silver which in the ordinary course would cost so much less I do not understand what earthly good the artificial high rate of silver is to do to the country or to the farmers Contrastly, the Chinese Government only recently have issued a statement that no duty or restrictions will be imposed on the movement of silver China is holding many times more silver than the Government of India or the combined British Empire "

I am told, and I think I may be voicing the feelings of many here, that the duty has been imposed in order to keep up the ratio of 1*s* 6*d* I do not know how far that statement is correct, but rumours are to that effect I do not know whether my Honourable friend the Finance Member had realised the disastrous effect of this import duty on the masses of India I think my friend, Sir Purshotamdas Thakurdas put the whole thing in a nutshell, and he has pointed out the disastrous effect it will have on the masses of India He said

"With regard to the disposal of silver about which Mr C B Mehta gave certain figures, he said that 8 crores worth of silver has been sold and 2 crores has been added to gold and therefore 6 crores have disappeared If the Government wish to persist in this policy, I should like it to know what happens in a private household A private household which has gold ornaments and silver utensils, when it is badly shaken, what do they do? Part with silver utensils worth Rs 5,000 or 50,000 or 20,000 according to the position of the man The next thing is the jewellery and in the case of India it will be gold Government have begun to part with India's silver If they sold silver because they felt that India did not want it and if they had put it in some more useful way, namely, gold or gold securities which bring interest, one can understand it But Government are parting with our silver for good, selling it off It is true for a time they convert it into gold securities and a few weeks later hand them over to the Secretary of State for India That is the weakest aspect of the currency operations during the last two years One cannot help sympathising with the Honourable Member for his having to step into the legacy which he has had to inherit However, I do feel that we are entitled, in the friendliest spirit, to tell him that we desire him to desist from his present policy and stop frittering away India's gold and silver, in the pursuit of not the 1*s* 4*d* ratio which he called the will-o-the-wisp but the 1*s* 6*d* ratio which may turn out to be the mirage "

I wish, Sir, the Honourable the Finance Member, when he arrived in India, had not made a hasty statement which we all regretted at that time, namely, that so long as the Honourable the Finance Member remained in office, he would not look at the question of considering the revision of the ratio He also made this emphatically clear at the meeting of the Federation of the Indian Chambers I hope, Sir, he will consider that most of the troubles in this country are due to this ratio question. I assure him, Sir, that the Imperial Preference questions, which have been

debated in this House, would not have been debated had it not been for the 1*s* 6*d*. ratio If you were to revert to the 1*s*. 4*d* ratio, the textile industry in India would not need protection, and the question of Imperial Preference would therefore not arise We are well aware that the Government want to do the right thing in the wrong way They always give us a choice, but the choice is made in such a manner that we are made helpless

Mr. President: All the same they do the right thing.

Mr. Fazal Ibrahim Rahimtulla: But in the wrong manner If they want to give protection to the textile industry, that is the right thing, but they do it in the wrong manner by introducing Imperial Preference and raising a controversy in this House and outside as to how our position should be towards India, towards Parliament, towards British India and the Round Table Conference. If they want really to help this country, the remedy lies in the 1*s*. 4*d* ratio, and I hope the Honourable the Finance Member will still reconsider his former position in the light of what is happening in this country, and stop further ruination and the disastrous effect of the 1*s* 6*d* ratio

Mr. President: If no other Honourable Member wishes to speak, I shall call upon the Honourable the Finance Member to speak

Sir Purshotamdas Thakurdas: Is it necessary always that we from this side should speak before the Honourable the Finance Member speaks? I think one would like to hear what the Honourable the Finance Member has to say.

Mr. President: Perhaps the Honourable the Finance Member might like to hear what other Honourable Members have to say

The House stands adjourned till tomorrow morning Eleven o'clock.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 22nd March, 1930.

LEGISLATIVE ASSEMBLY DEBATES

SATURDAY, 22nd MARCH, 1930

Vol. I—No. 40

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DELHI

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1930

LEGISLATIVE ASSEMBLY

Saturday, 22nd March, 1930

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr President in the Chair

MEMBER SWORN

Mr David George Mitchell, C I E , M L A (Legislative Department Nominated Official)

QUESTIONS AND ANSWERS

QUALIFYING EXAMINATION FOR DEPARTMENTAL CANDIDATES HELD BY THE PUBLIC SERVICE COMMISSION

763 ***Mr. Abdul Latif Sahib Farookhi:** (*a*) Is it a fact that the Public Service Commission, on taking over the recruitment of the clerical staff of the Government of India Secretariat and its attached and subordinate offices recommended a thorough revision of the existing system of recruitment and that, on the recommendations of the Commission, a Committee was constituted to examine the question on which all Departments were represented?

(*b*) Is it a fact that this Committee, among other things, recommended that, before the new system of recruitment was introduced, the existing members of the staff should be given an opportunity to qualify themselves for higher grades and that an examination for this purpose should be held on the same lines as the previous qualifying examinations held by the Staff Selection Board?

(*c*) Is it a fact that the examination recommended by the Committee of departmental representatives was held in November last?

(*d*) Is it a fact that the Commission, while calling for lists of candidates for the examination from departments, notified to the effect that the examination would be held on the same lines as the previous qualifying examinations?

(*e*) Is it a fact that, in the qualifying examination held by the Staff Selection Board, candidates were required to obtain certain percentages of total marks in the aggregate only and not in each paper of the written examination?

(*f*) Is it a fact that, even in the case of superior services examinations held by the Public Service Commission the results are based on the aggregate marks obtained by candidates?

(*g*) Is it a fact that, contrary to past practice, and notwithstanding their promises, the Public Service Commission prescribed percentages of marks varying between 40 to 70 per cent to be obtained by candidates in each subject separately?

(*h*) What percentage of candidates was declared successful for each division?

(*i*) If the reply to part (*g*) above is in the affirmative, in how many cases were candidates obtaining more marks in the aggregate declared to have failed (1) for the first division, (2) for the second division, while those obtaining lesser marks were declared successful?

(*j*) Is it a fact that this was the last qualifying examination for departmental candidates and that those who have failed will have no prospects of promotion to higher grades except in rare cases in which the Commission may grant exemptions?

(*k*) If so, will the Public Service Commission be prepared to reconsider the results of the examination and declare more candidates as qualified, basing their results on the aggregate marks, qualifying limits being the same as were fixed for the examination held by the Staff Selection Board in 1920?

The Honourable Sir James Crerar: (*a*) Yes

(*b*) The Conference recommended that one more opportunity of qualifying should be given but proposed that the standard adopted should be fairly high

(*c*) Yes

(*d*) The Commission stated that the subjects for the examination would be the same as in previous years but no standard of marking for securing success was notified

(*e*) Yes

(*f*) The Public Service Commission have power under several of the Regulations for the Superior Services to determine the qualifying mark in all or any of the subjects of examination

(*g*) and (*i*) I have no information on these points

(*h*) First Division 4 per cent

Second Division 20 per cent

Third Division 91 per cent

(*j*) Yes

(*k*) The Public Service Commission do not propose to reconsider the results of the examination as they think that it would be contrary to public interest to lower the standard required for qualifying

CONVICTION OF SARDAR VALLABHBHAI PATEL.

764. *Pandit Madan Mohan Malaviya: (*a*) Will the Honourable the Home Member state

(*a*) if in the information which the Bombay Government sent him in reply to my question under what section or sections Sardar Vallabhbhai Patel had been convicted and imprisoned, they had stated under what section the Sardar had been convicted and imprisoned:

(*b*) if so, why the Honourable the Home Member did not communicate the information to me in the letter which he was good enough to send me?

(ii) Is it a fact that

(*a*) a notice having been issued to the Sardar under section 42 of the Bombay Police Act, he could only be convicted under section 68 of the said Act, and

(*b*) that the maximum punishment provided for disobeying an order under section 42 of the said Act is a fine, which may extend to Rs 200 and no imprisonment?

(iii) Is it a fact that Sardar Vallabhbhai Patel has been convicted and imprisoned under section 71 of the said Act?

(iv) Do Government realise that the conviction of the Sardar under section 71 of the said Act and the sentence passed on him of imprisonment for three months and a fine of Rs 500 are utterly illegal?

The Honourable Sir James Crerar: (i) (*a*) and (*b*) The information received on this point from the Government of Bombay reached me after I had written to the Honourable Member

(ii) (*a*) and (*b*) As I explained in the course of the debate on the motion for adjournment, an order was served on Mr Vallabhbhai Patel under section 42 of the Bombay District Police Act, but as he was about to act in contravention thereof, action was taken under section 54 of the Act Disobedience to any direction under section 54 is punishable under section 71 of the Act

(iii) Yes

(iv) I can find no ground for such a view which is, however, a matter for judicial decision

RACIAL DISCRIMINATION BETWEEN THE INDIAN AND ANGLO-INDIAN APPRENTICES IN THE KHARAGPUR WORKSHOPS

765 ***Mr. S. C. Mitra:** (*a*) Has the attention of Government been drawn to the article headed "Bound apprentices in Kharagpur Workshop" published at page 126 of the "Bengal Nagpur Railway Employees' Journal" of February 1930?

(*b*) If the answer to part (*a*) be in the affirmative, will Government be pleased to state whether the facts of racial discrimination mentioned therein are correct? If so, do Government propose to remove the racial distinction between the Indian and the Anglo-Indian apprentices in the Bengal Nagpur Railway Workshops?

(*c*) If the answer to part (*a*) be in the negative, do Government propose to inquire into the allegations contained in the article mentioned in part (*a*) above and to state whether the allegations are true, and if so, do they propose to remove them? If not, why not?

Mr. A. A. L. Parsons: (*a*) Yes

(*b*) and (*c*) I have called for a report from the Agent, Bengal Nagpur Railway and will communicate with the Honourable Member when it is received.

HILL SCHOOL ALLOWANCE FOR BENGAL NAGPUR RAILWAY EMPLOYEES

766. ***Mr. S. C. Mitra:** (*a*) Has the attention of Government been drawn to the article "The Hill School Allowance" published at page 127 of the "Bengal Nagpur Railway Employees' Journal" of February 1930?

(*b*) If the answer to part (*a*) be in the affirmative, do Government propose to redress the grievances of the Indian employees mentioned therein?

(*c*) If the answer to part (*a*) be in the negative, do Government propose to inquire into the difficulties of the Indian employees in matters of the education of their children as alleged in the article referred to in part (*a*) above, and will they be pleased to state whether the hardships are true, and if so, do they propose to remove them by suitable hill school allowances like those granted to the Anglo-Indian employees? If not, why not?

Mr. A. A. L. Parsons: (*a*) Yes

(*b*) and (*c*) As the Honourable Member is no doubt already aware, the revised general policy formulated by the Government of India to govern the grant of assistance to railway employees of State-managed railways for the education of their children is free from racial discrimination, and provides for the grant of assistance, subject to certain restrictions, to the children of employees who are sent to hill schools The detailed rules to give effect to the general policy are still under the consideration of Government and when they are issued Company-managed Railways, including the Bengal Nagpur Railway, will be invited to revise their rules on the model of the rules prescribed for State-managed Railways

NEW JAIL RULES

767 ***Mr. S. C. Mitra:** (*a*) Is it a fact that a new set of jail rules has been framed by the Government of India for the classification of the different classes of prisoners?

(*b*) If so, will Government be pleased to state when they were recommended to be brought into force by the Local Governments?

(*c*) Is it a fact that those rules have not yet been enforced in the Bombay Jails as has been made public in connection with the incarceration of Sardar Vallabhbhai Patel in the Sabarmati Jail?

The Honourable Sir James Crerar: (*a*) New principles have been laid down by the Government of India The rules themselves will be framed by Local Governments where necessary under section 60 of the Prisons Act

(*b*) I would invite the Honourable Member's attention to the communiqué issued by the Government of India on the 19th February The Honourable Member will observe that Local Governments were asked to give immediate practical effect to the changes proposed, so far as possible, pending the formal amendment of the rules.

(*c*) No, Sir Sardar Vallabhbhai Patel has been allowed all the privileges of an A class prisoner.

ADJUSTMENT OF CUSTOMS DUTIES BETWEEN THE GOVERNMENT OF INDIA AND INDIAN STATES

768. *Rai Bahadur S. C. Dutta: (a) Have Government any intention to appoint a committee to inquire into and report upon what equitable adjustments should be made as to the distribution of customs duties upon goods admitted into India and other monetary claims between the Government of India and the Native States?

(b) If so, do Government propose to include representatives of the Indian Legislature or other non-official Indians, in that committee, to act in conjunction with the official members representing the interests of British India?

Mr E B Howell: (a) and (b) The Indian States Committee in their Report have recommended the appointment of an expert Committee to enquire into first the reasonable claims of the States or groups of States to a share in the Customs Revenue, and secondly the adequacy of their contribution to Imperial burdens The action to be taken with regard to this recommendation has not yet been decided by the Government of India, and they are accordingly not at present in a position to make any statement

PUBLICATION OF THE SIMON COMMISSION'S REPORT

769 *Rai Bahadur S C. Dutta: (a) Has the attention of the Government been drawn to the report in the Press that the Secretary of State for India informed the House of Commons that Sir John Simon intimated to him that the Report of their Commission will be submitted before Easter?

(b) Is the Press report a true one, and have Government any information as to when this Report will be presented?

(c) Will this Assembly get an opportunity to discuss this Report before it is dissolved? Will the other branch of the Indian Legislature get a similar opportunity? Will the existing Local Councils get a similar opportunity? Do Government propose to advise the Local Governments to that effect?

The Honourable Sir James Crerar: (a) and (b) Government have seen a Reuter's telegram reporting a statement by the Secretary of State that Sir John Simon has intimated that the Statutory Commission will be very glad to find themselves able to place their Report in the Secretary of State's hands for submission to the King soon after Easter Government have no further information

(c) I regret that I am unable to make any further statement at present

RELATIONS OF THE GOVERNMENT OF INDIA WITH INDIAN STATES

770 *Rai Bahadur S. C. Dutta: (a) Will this House get an opportunity to discuss the report of the Butler Committee as to the relations of the Government of India with the Indian States or those portions of the Report of the Simon Commission that may deal with that Report or those relations of the States with British India or the question of the federation of British Indian Provinces and the Native States?

(b) Do Government propose to remove the restrictions contained in that respect in rules 23 and 8 of the Indian Legislative Rules?

Mr. E. B. Howell: (*a*) The Government of India are not at present in a position to make any statement in the matter There was no recommendation in the Butler Committee Report for any federation of British Indian Provinces and the Indian States

(*b*) No

Pandit Nilakantha Das: Are Government going to make the Butler Report available to the Members of this House?

Mr. E. B. Howell: It has been published

Pandit Nilakantha Das: It has not been circulated to Members of this House?

Mr. E. B. Howell: Will the Honourable Member give notice of that question?

Pandit Nilakantha Das: Are Government prepared to circulate that Report among the Members of this House?

Mr. E. B. Howell: I have said I want notice of that question

Diwan Chaman Lall: Do Government take it that Members of this House are not interested in this matter?

Nawab Sir Sahibzada Abdul Qaiyum: Do you mean that every Report should be circulated to Members of this House?

Mr. Gaya Prasad Singh: How much time does the Honourable Member want by way of notice? There are not 10 days left in this Session

TRANSFER OF SUPERINTENDENTS AND INSPECTORS OF POST OFFICES

771 ***Pandit Nilakantha Das:** (*a*) Is it a fact that the Superintendents and Inspectors of Post Offices are transferred every three years? If so, why?

(*b*) Is it a fact that the gazetted Postmasters of the grade of Rs 350—650, have got power like the Postal Superintendents?

(*c*) If the reply to part (*b*) be in the affirmative, will Government please state why the gazetted Postmasters are also not transferred after three years like the Postal Superintendents?

Mr. H. A. Sams: (*a*), (*b*) and (*c*) I would refer the Honourable Member to my reply on the 12th of March, 1930, to starred question No 540 asked by Mr S C Mitra

With respect to (*a*) I would add that it is considered advisable in the interests of administration that such transfers should ordinarily be made

REDUCTION OF STAFF OF THE BEADON STREET TOWN SUB-POST OFFICE, CALCUTTA.

772 ***Pandit Nilakantha Das:** (*a*) Has the attention of the Government been drawn to an article "Reduction of staff of the Beadon Street T S O, Calcutta" published in the November issue of *Labour* of 1929?

(*b*) Are Government prepared to inquire into the allegations made therein?

(*c*) Will Government be pleased to place on the table a statement showing the hours of attendance and departure of clerks of that office for one month from any date of February 1930?

The Honourable Sir Bhupendra Nath Mitra: (*a*) Yes

(*b*) No The matter is a local one and the Provincial Postal and Railway Mail Service Association of the Bengal and Assam Circle can take it up with the Postmaster-General, Bengal and Assam Circle, if they wish to do so

(*c*) A statement showing the hours of attendance of the clerks will be supplied to the Honourable Member A statement of the hours of departure cannot be supplied as no record is kept of the time at which each clerk actually leaves office

PASSES FOR INSPECTORS, RAILWAY MAIL SERVICE

773 ***Pandit Nilakantha Das:** (*a*) Is it a fact that Inspectors of Railway Mail Service are classed as second class officers like Inspectors of Post Offices?

(*b*) Is it a fact that both Inspectors of Railway Mail Service and Inspectors of Post Offices were formerly supplied with second class railway passes?

(*c*) Is it a fact that neither Inspectors of Post Offices nor Inspectors, Railway Mail Service are now-a-days supplied with railway passes, but that whereas the former are allowed to purchase second class railway tickets the latter are required to travel in mail vans only with Railway Mail Service sorters?

(*d*) Is it a fact that Inspectors, Railway Mail Service, are generally required to perform longer railway journeys than sorters?

(*e*) Is it a fact that Inspectors, Railway Mail Service, are required to convey special bags for H E the Viceroy and Commander-in-Chief and are sometimes required to travel by railway for over twenty-four hours?

(*f*) Is it a fact that most of the mail vans on the metre gauge lines are not provided with latrines?

(*g*) Is it a fact that Inspectors, Railway Mail Service, are sometimes required to travel in mail vans on metre gauge lines for nearly 24 hours?

(*h*) Was it not a part of the duties of Inspectors, Railway Mail Service to pay surprise visits to mail vans to supervise the work of sorters?

(*i*) Is it not a fact that since the withdrawal of the railway passes Inspectors, Railway Mail Service are no longer able to pay surprise visits to mail vans?

Mr. H. A. Sams: (*a*) Yes

(*b*) Yes.

(*c*) The duties of the Inspectors of Post Offices and those of the Inspectors, Railway Mail Service, differ The latter are still supplied with railway passes for travel in mail vans the work in which it is their duty

to inspect The Inspectors of Post Offices are not supplied with railway passes and are allowed to purchase tickets as their duties are not on the railway.

(*d*) No, not generally.

(*e*) Yes, occasionally

(*f*) Yes, but endeavours are already being made to supply these conveniences where they do not now exist

(*g*) No, not continuously for 24 hours

(*h*) Yes, it is still a part of their regular duty to pay surprise visits to mail vans

(*i*) As mentioned in reply to part (*c*) of this question the railway passes have not been withdrawn from the Inspectors, Railway Mail Service Inspectors of Railway Mail Service can and do pay surprise visits to the mail vans to inspect the work

PASSES FOR INSPECTORS, RAILWAY MAIL SERVICE

774 ***Pandit Nilakantha Das:** (*a*) Is it a fact that Superintendents, Railway Mail Service travel in first class compartments when carrying out their half-yearly inspection, but when they depute their Headquarter Inspectors for the same work the latter have to travel in mail vans?

(*b*) Do Government propose to re-introduce the old system of supplying railway passes to Inspectors, Railway Mail Service or in the alternative to authorise them to purchase second class railway tickets when travelling by railway? If not, why not?

Mr. H. A. Sams. (*a*) It is not clear to what inspections the Honourable Member refers While performing the inspections of running sections, the Superintendents, Railway Mail Service, and the Inspectors, Railway Mail Service, alike must necessarily travel in mail vans In case of the inspections of stationary offices the Superintendent is not necessarily required to travel by Mail van and has discretion to permit the Headquarters Inspector to purchase a ticket when he travels direct to Mail offices for the purpose of inspection without examining intermediate sections

(*b*) It has been arranged that Inspectors of the Railway Mail Service should be supplied with passes for travel in mail vans Inspectors of the Railway Mail Service are also permitted to purchase tickets in special circumstances under the orders of the Heads of Circles or of Superintendents of the Railway Mail Service These measures adequately meet the situation at the present time and the Government are not prepared to extend the latitude now allowed to Heads of Circles or Superintendents for the purchase of tickets for all Railway journeys irrespective of their object

STATEMENTS PROMISED IN REPLY TO CERTAIN QUESTIONS.

775. ***Pandit Nilakantha Das:** (*a*) Will the Honourable Member in charge of Railways and Commerce be pleased to lay on the table of the House the statement he promised in reply to my questions Nos 357 to 360 and 816, 818, 819, 821 and also 820 of the last (1929) Simla Session of this Assembly?

(*b*) Will the Honourable Member also lay on the table the report promised by the then Financial Commissioner for Railways, Mr. P R. Ray, in reply to my question No 361 of the last (1929) Simla Session of this Assembly?

(*c*) In this connection will the Honourable Member state what is actually going to be done with regard to the Inquiry Committee and my memorandum on the subject submitted and accepted in principle by the Railway Advisory Committee in its sitting in Simla (1929, Autumn)?

The Honourable Sir George Rainy: I lay on the table the replies to the Honourable Member's previous questions Copies of these are being sent to him He will, I think, find that they deal with practically all the points raised by him in the memorandum referred to in part (*c*) of his question But I should explain that we have only recently obtained complete information to answer his questions and I will have the memorandum again examined to see if there are any outstanding points

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Question No 357

(*a*) Is it a fact that the Universal Sleepers are contemplated in the patents Nos 11281, 11282 and 11283 of 1926, granted to Messrs R D T Alexander, Henry William Joyce and David Leslie?

(*b*) Is it a fact that the three patentees referred to in part (*a*) above are and were Civil Engineers in the employ of the Bengal Nagpur Railway—Mr R D T Alexander—the Chief Engineer and other two assistants of the Bengal Nagpur Railway?

(*c*) Is it a fact that those Civil Engineers the patentees—have arranged with Henry Williams, Ltd , and Burn and Co for the manufacture and the supply of those Universal sleepers?

(*d*) Has the firm Henry Williams, Ltd , any connection with the patentee, Henry William Joyce?

(*e*) Is it a fact that the Universal type of steel sleepers are exclusively manufactured and supplied by Messrs Henry Williams Ltd ?

Answer

(*a*) and (*b*) Yes

(*c*) The sleepers are manufactured by Burn and Company, not by Henry Williams Ltd

(*d*) No

(*e*) No No steel sleeper of Universal type is known to the Railway Board The Universal sleeper is made of cast iron and is not manufactured by Messrs Henry Williams and Sons

It is a fact, however that certain types of steel sleepers are or have been exclusively manufactured and supplied by Messrs Henry Williams (India) Ltd

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Question No 358

(*a*) Is it a fact that the Bengal Nagpur Railway, as per a private contract, supplies so called condemned steel sleepers to Henry Williams Ltd who in turn after making some slight alterations supply back these very sleepers to the Bengal Nagpur Railway as Universal steel sleepers? If so, what is the price per ton paid to Henry Williams

Ltd., for these additions and alterations in the so-called condemned sleepers? What is the price per ton of the so-called condemned sleepers as well as the price per ton of the Universal sleepers made therefrom? What is the quantity of these steel sleepers supplied year after year by Henry Williams Ltd ? How many years had the so-called condemned sleepers been used before they were supplied to Henry Williams Ltd to be made into Universal Steel sleepers?

(b) Was the price for destination or for manufacturing firm? What is the price f.o.r. destination in each case compared with the price of Railway Board sleepers?

Answer

(a) Messrs Henry Williams, India Ltd have supplied in the past to the Bengal Nagpur Railway two kinds of steel sleepers in which the metal from condemned steel sleepers is utilised The first kind consists of a steel trough with two steel saddle plates under the rail seat The troughs are made of new steel but the saddle plates are made from condemned sleepers Each condemned sleeper provides metal for five to six saddle plates

The price of such sleepers paid to the firm has been Rs 10 per sleeper, exclusive of the cost of the metal for saddle plates, worth four annas per sleeper, making the total cost of the sleeper Rs 10 4 0

(2) Another form of steel sleeper has been made up by Messrs Henry Williams & Sons, for the Bengal Nagpur Railway, from material recovered from condemned steel sleepers The condemned steel sleepers have generally failed under the railseat while the portion of trough between the rails is still in good condition The worn out portions of the sleepers were cut off and from the sound material left, one reconstructed sleeper was obtained from every two condemned sleepers by riveting the two pieces together The price paid to the firm for cutting up and reshaping, rivetting, fixing saddles and providing fastenings, was Rs 8 per sleeper The value of the steel from the condemned sleepers supplied to the contractors varies from 10 annas to Rs 1 8 0 per new sleeper

(3) The quantity of saddle type sleepers supplied year by year is as follows

1926 27 .	66,000 sleepers manufactured from materials obtained from condemned sleepers
1927 28	84,000 sleepers manufactured from materials obtained from condemned sleepers
1928-29 .	8,95,000 sleepers improved patent pea pod type with saddles made from metal obtained from condemned sleepers
1929 30	3,00,000 sleepers improved patent pea pod type new steel used throughout

(4) The condemned sleepers have been in use for 40 to 42 years before being sent to Messrs Henry Williams, India, Ltd for conversion

(b) The price paid was for contractor's works The price of the Railway Board's steel sleepers recently has been about Rs 10 for Indian Port The saddle type sleeper is claimed to be stronger than the other types and actual tests in the Government Test House, Alipur, prove this to be a fact

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Question No 359

(a) Is it a fact that Universal cast iron sleepers are supplied exclusively by the combine of Messrs Burn and Co and Bengal Iron Ltd ? What is the quantity purchased year after year from them and for what price? What is the price as compared with Railway Board sleepers? Are tenders called for for the Universal type cast iron sleepers?

(b) Is the price for destination or for manufacturing firm? What is the price calculated as f.o.r. destination in each case compared with the price of the Railway Board sleepers there?

Answer.

(*a*) Universal type cast iron sleepers are supplied exclusively by Messrs Burn & Co, Ltd The quantities purchased year by year and prices paid are as follows

	Rs	a	p.	
1925 26	300 @ 14	4	0	each
	500 @ 19	0	0	,,
1926-27	11,000 @ 10	9	0	,,
1927-28	10,200 @ 9	15	0	,,
	4,400 @ 10	9	0	,,
	17,300 @ 11	4	0	,,
1928 29	1,100 @ 9	2	0	,,
1928 29	93,800 @ 9	0	0	,,
	8,800 @ 10	0	0	,,
	164,900 @ 10	2	0	,,
1929 30	97,000 @ 10	2	0	,,

The prices paid for cast iron sleepers purchased by State Railways have been as follows -

1924 25	Lines' sleepers Rs 15 3 per sleeper at site
1926 27	S M type sleepers Rs 11 25 per sleeper, at site N W R type sleepers Rs 13 5 per sleeper, at site Lines' sleepers Rs 14 5 to Rs 15 2 per sleeper at site
1927 28	L K and T S C type sleepers Rs 10 26 to Rs. 11 81 per sleeper at site
1928 29	S M type sleeper Rs 10 5 to Rs 12 00 per sleeper at site, L K, T S C, etc, Rs 8 94 to Rs 12 15 per sleeper at site

The present prices are from Rs 8 8 0 to Rs 9 8 0 per sleeper at works
The Bengal Nagpur Railway have not called for tenders for other types of cast iron sleepers to compare with Messrs Burn & Co's Universal type in the past, but they have been instructed to do so in the future

(*b*) The price is for manufacturing firm The price for destination in each case depends on the distance of the destination from the works The cost of carriage would be about the same as for the Railway Board's sleepers, as the weights are practically the same It should be explained that the Universal type cast iron sleeper is designed for use with more than one size of rail whereas the Railway Board types have not hitherto been made so that the same sleeper will take more than one size of rail

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Question No 360

(*a*) Is it a fact that the Controller of Stores is entrusted generally with all sales of scrap and purchase of stores in the Bengal Nagpur Railway?

(*b*) Is it also a fact that the supply of condemned steel sleepers to Henry Williams and the purchase of cast iron and steel Universal sleepers are entrusted not to the Controller of Stores but exclusively to the Chief Engineer, Bengal Nagpur Railway, Mr R D T Alexander, one of the partners of the patentees of these sleepers?

Answer

(*a*) Yes

(*b*) No Orders for both cast iron and steel sleepers are in all cases placed by the Controller of Stores or by the Agent The condemned steel sleepers supplied to Henry Williams Ltd for use in making saddle type sleepers are not sold to them, but only the cost of conversion is allowed to them The whole of the metal in the condemned sleeper is not used for making saddle plates Metal not fit for such use remains the property of the Bengal Nagpur Railway and is sold as scrap by the Controller of Stores

Question No 861

(*a*) What business of the Bengal Nagpur Railway is entrusted to Hoare Miller and Co ?

(*b*) Are tenders called for for the supplies entrusted to Hoare Miller and Co if any? Has Hoare Miller and Co any connection with R Miller Esqr , Chairman of the Home Board of the Bengal Nagpur Railway

(*c*) What is the extent of the business entrusted to Hoare Miller and Co by the Bengal Nagpur Railway

Answer

(*a*) & (*c*) The Calcutta Steam Navigation Co of which Messrs Hoare Miller & Co are the Agents have two agreements with the Bengal Nagpur Railway

(i) for taking delivery of landing, transporting and handling Railway material and stores consigned to the Bengal Nagpur Railway at the port of Calcutta Messrs Hoare Miller and Co act as Agents of the Railway in Calcutta for the forwarding of all such material and stores to the Railway This arrangement has been in force since 1886

(ii) for acting as Agents of the Bengal Nagpur Railway in Calcutta for the receipt and despatch of goods and passenger traffic to and from Armenian Ghat from and to stations on the Railway This arrangement has been continuous since 1901

(*b*) As no supplies are entrusted to Messrs Hoare Miller & Co the question does not arise Mr Robert Miller, Chairman of the Board of Directors of the B N Rv Co is not and never has been an officer of Messrs Hoare Miller and Co operating in India He is a Director of Messrs Hoare Miller and Co , London

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Question No 876

With reference to the statement promised by the Hon'ble Sir George Rainy in reply to my starred questions Nos 357 to 360 this session, will Government please state

(*a*) What is the quantity of the so called condemned steel sleepers supplied to Henry Williams (India) Ltd , up to date by the Bengal Nagpur Railway?

(*b*) What is the quantity of the universal steel sleepers (*i e* , steel sleepers referred to in the patents quoted in question No 357) received by the Bengal Nagpur Railway from Henry Williams (India) Ltd , in return up to date after making the alterations referred to in my starred question No 358?

(*c*) What is the quantity of those patented steel sleepers purchased from Henry Williams (India) Ltd by the Bengal Nagpur Railway up to date besides the quantity referred to in part (*b*)? What is the price of these sleepers?

(*d*) Were the above patented sleepers used by the Bengal Nagpur Railway before Henry Williams (India) Ltd came into existence? If so, from where were they got and which were the firms who supplied them and how were they purchased, by public tender or by private arrangement?

(*e*) Are any other Railways using these sleepers? If so, which are they, and what quantity (and at how much cost) have they used up to date? Were they purchased by means of public tender or not?

Answer

(*a*) The number of condemned steel sleepers supplied to Messrs Henry Williams (India), Ltd , is approximately 6 18 lakhs

(*b*) The patent numbers quoted in question No 357 do not refer to steel sleepers manufactured by Messrs Henry Williams, Ltd The remainder of the question, therefore does not arise

(*c*) Please see the reply given to question 358 (*a*) above

(*d*) The answer to the first part of the question is in the negative and the second part does not arise

(*e*) Full information is not available but steel sleepers of the saddle type were supplied to the East Indian Railway for trial. They were not purchased by public tender as no other firms make such sleepers

Question No 818

With reference to the statement promised by the Honourable Sir George Rainy to my starred questions Nos 357—360 this session, will Government please give the following information?

(*a*) Do the extracts quoted by me in my supplementary question from the Report of the Accountant General, Railways (page 31, para 65) refer to Henry Williams, Ltd ?

(*b*) Is it a fact that the land referred to in part (*a*) was enclosed with a boundary wall and provided with a Railway siding just after the formation of Henry Williams (India) Ltd and was rented out to them on a nominal rent?

(*c*) What was the cost of the boundary wall and the Railway siding and with the cost and interest therein added to the loss on rent already calculated by the A G Railways [referred to in part (*a*)] what is the total loss to the Bengal Nagpur Railway?

(*d*) Were any siding charges realised from Henry Williams (India) Ltd ? Is the lease on land a long lease? If so, for how many years, and with whose sanction it was entered into?

Answer

(*a*) Yes

(*b*) No The facts are as follows

The old brickfield land at Shalimar with an area of 27 acres was served by a siding constructed and extended as required between 1906 and 1925 Prior to 1925, part of this area was reclaimed and leased out on temporary leases to various firms In 1925 Henry Williams (India) Limited obtained a lease of 6½ acres on the same terms as those on which leases had been given to other firms, the part of the siding within the area leased to Henry Williams (India) Ltd was re arranged and extended, and the use of the siding was then given to the firm on Assisted Sidings terms identical with those granted to all industrial undertakings served by the railway

Orders were passed in 1919 to enclose the whole of the old brickfield land with the boundary wall mentioned by the Honourable Member, because the area was subject to encroachment and constant supervision had been found to be required to avoid occupancy rights arising An estimate was prepared in 1921 but the work was postponed until 1925 when the most urgent part of the wall, namely, the portion along the north and east boundaries was sanctioned The total length of the boundary wall then sanctioned and built was 2,500 ft of which only 800 ft coincides with the north and east boundaries of Henry Williams (India) Limited's lease The west and south boundaries of the area leased to Henry Williams (India) Limited have still no wall, but are enclosed by a fence erected by the firm at its own expense The building of a boundary wall was not undertaken with regard to the interests of any of the various lessees of the land, but was part of a considered programme dating from 1919 for making railway land at Shalimar free from encroachment The rent charged to Henry Williams (India) Limited was an economic rent and not a nominal rent, being a lump sum of Rs 110 per month *plus* taxes This is equivalent to 8 annas per thousand sq feet The rent assessed by the Howrah Municipality for neighbouring land adjoining these boundaries varies from 4 annas per thousand sq feet for vacant land to 12 annas per 1,000 sq feet for superior residential sites, and the land leased to Henry Williams (India) Limited was and still is partly covered by tanks and none of it is fit for residential or building sites The part covered by tanks was assessed at 2 annas per thousand sq feet and the filled part at 12 annas per thousand sq feet

(*c*) The cost of the part of the boundary wall adjoining the land leased by Messrs Henry Williams (India) Limited was Rs 6,800 The cost of the Assisted Sidings laid within the area leased to Messrs. Henry Williams (India) Limited was approximately Rs. 19,000 of which the Railway portion under Assisted Siding terms was Rs 16,000

As explained earlier a fair economic rent was charged so the remainder of this question does not arise

(*d*) Yes Siding charges are realised in accordance with the rates publicly notified in Bengal Nagpur Railway "Goods Pamphlet Part I" The lease of the land conforms to the rules of the railway for the temporary occupation of land by merchants as a Traffic facility and is terminable on 10 days' notice The Agent of the Railway within whose powers it lies concluded the lease

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Question No 819

Is it a fact (i) that the firm of Messrs Henry Williams (India) Limited is a private limited liability company of which the total paid up capital (preference and ordinary shares together) is only Rs 3,16,500, (ii) that the firm has issued other ordinary shares valued at Rs 5,38,000 as fully paid up for considerations otherwise than in cash, (iii) that Messrs L Greenham, Agent (now retired), Bengal Nagpur Railway, Henry William Joyce, Charles Williams Anderson, F N Slane, R M Hughes—all engineers of the Bengal Nagpur Railway together with other members of their family (namely Miss Enid Joyce, Mr Eric Joyce—Minors and Jane Elizabeth Anderson) have been connected with the firm, and (iv) that big contracts worth crores of rupees have been and are being placed with them by the Bengal Nagpur Railway from the date of the formation of the firm, by private agreement without calling for tenders?

Answer

(i), (ii) & (iii) The company was incorporated as a private limited liability company on the 16th March, 1922, with an authorised capital of Rs 20,00,000 divided into 10,000 preference and 10,000 ordinary shares of Rs 100 each The signatories to the Memorandum of Association were Mr Owen, R Williams, of 21 Old Court House Street, Calcutta, Engineer, and Mr G C R Taylor, Solicitor and a partner of the firm of Kesteven, Gooding & Co Solicitors of 26 Dalhousie Square, Calcutta

The figures mentioned in the question with regard to the paid up capital and the number of shares issued as fully paid up otherwise than in cash are correct

Prior to the registration of the company Messrs Henry Williams Ltd of Railway Appliances works Darlington, operated direct in India as Signal engineers and Merchants, and Henry Williams (India) Limited, was formed to purchase their goodwill consisting of certain Indian Letters Patents, provisional Patents and Registered Designs as well as stocks of signalling equipment permanent way fittings chain lamps, etc, in Bombay and Calcutta The purchase price of Rs 5,38,000 was by an agreement met by the allotment to the Vendor Company of 5,380 shares of Rs 100 each credited as fully paid up

The persons named in the Question are some of the shareholders of the company, with the exceptions of F N Slane and Jane Elizabeth Anderson whose names do not appear in the company's list of shareholders

(iv) Messrs Henry Williams Limited supply all classes of permanent way and other railway materials including points and crossings signal material and steel sleepers Public tenders are invariably called for except in the case of proprietory articles

The total value of orders placed by the Bengal Nagpur Railway Company with Henry Williams (India) Limited in the past is approximately Rs 175 lakhs It has not been possible to divide this amount into contracts for which public tenders were or were not called but it is estimated that the proportion is about 30 to 145

Question No 820

(*a*) What are the quantities and the value of the railway orders placed by the Bengal Nagpur Railway and other railways, if any, up to date for various articles with, (1) Henry Williams (India) Ltd, and (2) Henry Williams (Darlington) Limited, with details as to how much in value was on tenders and how much was by private arrangement?

(*b*) What, if any, is the connection between Henry Williams (India) Limited and Henry Williams (Darlington) Limited?

(*c*) What, if any, is the connection between officers of the Bengal Nagpur Railway and Henry Williams (Darlington) Limited as well as Henry Williams (India) Limited?

(*d*) What has been the loss, if any, to the Bengal Nagpur Railway on account of the private orders referred to in part (*a*)?

Answer

(*a*) Please see the reply to question No 819 (iv) above, for the value of Railway orders placed by the Bengal Nagpur Railway Information relating to other railways is not available

(*b*) The Managing Director of both the firms is the same person and the firm in England are the principals of the Indian firm

(*c*) The Agent, Bengal Nagpur Railway, reports that so far as he is aware no officer now serving on the B N Railway has any connection of any kind with the two firms mentioned

(*d*) A comparison between the rates paid for cast iron and steel trough sleepers by the Bengal Nagpur Railway to Messrs Henry Williams (India) Limited, and to Messrs Burn & Co with the rates paid for cast iron and steel sleepers purchased by State Railways, shows that the difference in rates is very little, and as it is recognised that in some respects the sleepers obtained by the Bengal Nagpur Railway possess advantages not possessed by the other sleepers, it does not appear that any loss has been incurred by the Bengal Nagpur Railway As an instance of the advantages possessed by the type of sleepers purchased by the B N Railway, the Universal type cast iron sleeper can be used with the existing rail weighing 85 lbs and when this rail has to be replaced in the near future the same sleeper will fit the 90 lb rail which will be used to replace the 85 lb rail The Railway Board does not approve of the system of placing orders for proprietory articles without calling for tenders as has been the practice on the B N Railway in the past and orders have now been issued that they should not do so in the future

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Question No 821

(*a*) Who will be responsible for the losses in rent boundary wall, railway siding and purchases referred to in my previous questions?

(*b*) Will the loss be recoverable? If so, how and to what extent?

Answer

(*a*) and (*b*) As no losses are involved, the question does not arise

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Demand by a Government Servant for an Inquiry on his Dismissal, Discharge or Removal

776. ***Mr. Muhammad Ismail Khan:** (*a*) Will Government be pleased to state whether there are any departmental rules which entitle a Government servant to demand an inquiry when he is dismissed, discharged or removed?

(*b*) If the reply to part (*a*) is in the affirmative, will Government be pleased to state whether this rule applies to all the provinces including the North-West Frontier Province?

The Honourable Sir James Crerar: (*a*) and (*b*) There are definite rules regulating the conduct of departmental inquiries So far as Governor's Provinces are concerned, the matter is governed by rule XIV of the Civil Services (Governors' Provinces) Classification Rules As regards officers serving directly under the Government of India, including those in the North-West Frontier Province, the position is that there are executive instructions the provisions of which are similar to those contained in rule XIV of the Classification Rules referred to These instructions have statutory force

OFFICIALS EMPLOYED IN THE INDIAN POST OFFICES

777. *Mr. Abdul Latif Sahib Farookhi: Will Government be pleased to state

(a) The number of officials employed in April, 1919, and now in the Indian Post Offices in each of the following grades

(1) Runners,

(2) Lower grade staff, i e , officials below the rank of postmen except runners,

(3) Postmen,

(4) Officials above the rank of postmen and below clerks,

(5) Clerks,

(6) Selection grade officials, and

(7) Gazetted Officers

(b) The number of Officials employed in April 1919, and now in the above said seven grades in the Madras Presidency only, and

(c) The number of Officials employed in April 1919, and now in the above said seven grades in the Madras City only?

Mr. H. A. Sams. (a) and (b) A statement, containing the information required, so far as it is available, is being supplied to the Honourable Member

(c) Inquiries are being made and the information will be furnished to the Honourable Member in due course

REVISION OF PAY FOR POSTAL EMPLOYEES

778. *Mr. Abdul Latif Sahib Farookhi: (a) Will Government be pleased to state whether any revision of pay was sanctioned for the Postal employees just preceding the general revision sanctioned on the recommendation of the Postal Inquiry Committee?

(b) If so, what was the amount allotted for it?

(c) Is it a fact that the postmen and the lower grade staff were not given the benefit of that revision?

(d) If the answer to part (c) is in the affirmative, what were the reasons for not revising the pay of the postmen and the lower-grade staff?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes

(b) About Rs 17 lakhs per annum.

(c) Yes

(d) The reasons for the revision in question were that owing to the inadequacy of the initial rates of pay and the slowness of promotion it was found difficult to recruit men of suitable education for the clerical cadre No such difficulties were experienced in the recruitment of postmen and lower grade staff and a revision of their rates of pay was not therefore then considered necessary

POSTAL INQUIRY COMMITTEE AND ITS RECOMMENDATIONS.

779. ***Mr. Abdul Latif Sahib Farookhi:** (*a*) Will Government be pleased to state when the Postal Inquiry Committee was formed and what was the interval between its function and the date of giving effect to its recommendations?

(*b*) What were the establishment charges incurred in 1919, *i e*, prior to the appointment of the Postal Inquiry Committee and the amount spent on each of the following seven grades?

(1) Runners,

(2) Lower grade staff, *i e*, officials below the rank of postmen except runners,

(3) Postmen,

(4) Officials above the rank of postmen and below clerks;

(5) Clerks,

(6) Selection grade officials, and

(7) Gazetted Officers

(*c*) What were the establishment charges incurred in 1920 in respect of each of the above said seven ranks as a result of the Committee's recommendations?

(*d*) Will Government be pleased to state whether, apart from the revision sanctioned in the year 1918, and the revision made as a result of the recommendation of the Inquiry Committee, any other revision of pay was sanctioned by Government to any of the officials in any of the above seven ranks between 1919 and 1929, and if so, the amount incurred and the amount spent on each rank?

The Honourable Sir Bhupendra Nath Mitra. (*a*) The Postal Committee assembled in Simla in April, 1920, but retrospective effect was given from the 1st December, 1919, to the recommendations of that Committee

(*b*) and (*c*) If the Honourable Member will refer to pages 25, 34 to 18, and 72 of the Committee's Report, he will find the information which he requires The conditions of service and pay of the gazetted staff were not included in the terms of reference of the Committee

(*d*) During the years 1926-27, 1927 28, and 1928 29, improved scales of pay for non-gazetted subordinates generally of the Posts and Telegraphs Department were introduced It would not be possible without making investigations involving an undue amount of labour to give details of cost in respect of each class of officials

GRANT OF INCREMENTS OF PAY FOR PAST SERVICE TO POSTMEN

780. ***Mr. Abdul Latif Sahib Farookhi:** (*a*) Will Government be pleased to state whether postmen and the clerks are included in the superior service of the Department?

(*b*) Is it a fact that, in granting increments to clerks, the full period of their temporary service or officiating service was subsequently taken into account and pay revised?

(*c*) Was the above concession allowed to the postmen, and if so, when and from what starting point?

(*d*) If the postmen on permanent service on the date of revision of 1919 have not been given that benefit, what steps do Government propose to take in the matter to redress the grievances of the postmen?

The Honourable Sir Bhupendra Nath Mitra: (*a*) Yes

(*b*) Yes, subject to certain conditions and restrictions

(*c*) No The concession granted to postmen was of a different nature They were allowed to count for increments not only their permanent service as postmen, but also one-third of all other service in the Department, whether permanent or temporary

(*d*) Government do not propose to take any further action after the lapse of ten years nor, in view of the substantial concession granted to postmen as explained in my reply to part (*c*) above, do they consider that the postmen have any grievance

APPOINTMENT OF POSTMEN AS LOWER DIVISION CLERKS

781 ***Mr. Abdul Latif Sahib Farookhi:** (*a*) Will Government be pleased to state whether they have given effect to the scheme of appointing postmen as lower division clerks? If so, in which year?

(*b*) How many postmen have hitherto been appointed to that cadre in each Circle till now?

(*c*) Is it a fact that some of the Superintendents in the Madras Presidency have reported to the Postmaster General that there are no competent postmen in their division to be promoted to that cadre?

(*d*) If so, from which of the Divisional Superintendents were such reports received?

Mr. H. A. Sams: (*a*) Yes Towards the end of 1929

(*b*) to (*d*) The information is being collected and will be furnished to the Honourable Member in due course

PROMOTION OF POSTAL RUNNERS

782. ***Mr. Abdul Latif Sahib Farookhi:** Will Government be pleased to state

(1) Whether vacancies in the rank of lower grade staff and postmen are filled up by direct recruitment or by promotion of runners and lower grade staff respectively, and if by promotion whether the vacancies are filled up by the seniormost officials in the respective ranks?

(2) Whether appointments of sorting postmen, overseer postmen, cash overseers, head postmen and Departmental Branch Postmasters, etc , are reserved for postmen only?

(3) Whether the above appointments are made according to seniority in service?

(4) Whether Government are aware of the fact that runners who enter the Postal Department on Rs 13 per mensem generally retire on Rs 20 or Rs 25 and do not reach even the postmen cadre?

(5) Whether Government are prepared to consider the question of so refixing the pay of the four grades, *i e*, runners, lower grade staff, postmen and sorting postmen as to enable a runner who enters the Department on Rs 13 per mensem to retire on a decent pension after his service of 30 years?

Mr. H. A. Sams: (1) It is presumed that by "lower grade staff" the Honourable Member refers to the inferior staff in post offices, *viz*, packers, mail peons, etc These officials are ordinarily recruited direct, but where suitable runners are available they can be employed in these capacities

As regards postmen, vacancies in this grade are filled by promotion of inferior servants of the Department possessing the necessary qualifications, and, when qualified men are not available, by direct recruitment The promotion is made by selection from qualified candidates, seniority being taken into account only when other qualifications are practically equal

(2) Yes

(3) The appointments are made by selection, seniority being regarded only where other qualifications are practically equal

(4) Government are not aware of the fact that runners generally retire on Rs 20 or Rs 25 It is a fact that runners are seldom promoted to the grade of postman, because the majority of runners are entirely illiterate and therefore unfit to work as postmen

(5) Properly qualified runners are not debarred from promotion to the postman cadre or beyond, and Government see no reason to refix the scales of pay of the four classes of officials referred to by the Honourable Member, which were revised as recently as May 1928

Mr Abdul Latif Sahib Farookhi: Have any runners been given the post of postmen?

Mr. H. A. Sams: I cannot say, Sir, without investigation

House Rent Allowance for Postmen, Lower Grade Staff and Runners

783 ***Mr. Abdul Latif Sahib Farookhi:** (*a*) Will Government be pleased to state what principle is followed in determining the house rent allowance payable to postmen, lower grade staff and runners?

(*b*) In which post offices in the Madras Presidency is the house rent allowance paid and at what rates?

(*c*) Is it a fact that postmen and lower grade staff employed in some of the Post Offices situated even in the District Headquarters are not paid any house rent allowance?

(*d*) Is it a fact that the postmen and lower grade staff employed at Erode with a staff of six postmen get house rent allowance while those employed at Salem Head Office with a staff of 21 postmen do not get any allowance, though both the offices are under the control of one Divisional Superintendent? If so, why?

The Honourable Sir Bhupendra Nath Mitra: (*a*) Where owing to scarcity of houses or other reasons suitable accommodation cannot be obtained by a Government servant for a rent equivalent to 10 per cent of his pay,

a house rent allowance is generally granted as a contribution towards the extra expense involved This principle is generally followed in determining the house rent allowances payable to postmen and lower grade staff and runners

	Rs
(*b*) Madras and its town sub offices	3
Madura and ditto	2
Hyderabad and its town sub offices	2
Bangalore and its town sub offices	2
Coimbatore and its town sub offices	1
Ootacamund, Coonoor and Nilgiris	2
Trichinopoly and its town sub offices	1
Vizagapatam and its town sub offices	1
Erode	1
Tirupur	1
Erode R S	1
Tirupur Bazar	1

(*c*) Yes

(*d*) Yes, from my reply to part (*a*) of his question, the Honourable Member will understand that neither the number of postmen in an office nor its administrative control has any bearing on the question of the grant of house rent allowances to the staff employed therein

CASUAL LEAVE FOR POSTMEN

784 ***Mr Abdul Latif Sahib Farookhi**: (*a*) Will Government be pleased to state whether postal employees are generally granted 20 days' casual leave?

(*b*) Is it a fact that postmen do not get casual leave easily and that if at all they get it, they have to pay for their substitutes and appoint them upon their own responsibility?

(*c*) Even if leave be granted, is it a fact that the duties of absentee are thrust upon another postman in addition to his own work?

(*d*) If so, have Government considered the advisability of appointing leave reserve postmen to enable postmen to get leave easily and avoid inconveniences to the public?

The Honourable Sir Bhupendra Nath Mitra. (*a*) Yes

(*b*) Government have no information in regard to the former part With regard to the latter part, ordinarily Government pays for the substitute but in certain circumstances the postman proceeding on casual leave is liable to be called upon to pay for the substitute When a substitute is employed, the postman ordinarily has to produce him and the postman as well as the head of the office are held personally responsible for the good behaviour of the substitute

(*c*) When a substitute is not employed, the work of the absentee has, naturally, to be distributed among other postmen

(*d*) The general question of forming a regular leave reserve for postmen is at present being examined by Government

SECURITY FURNISHED BY POSTAL OFFICIALS

785 *Mr. Abdul Latif Sahib Farookhi: (a) Will Government be pleased to state whether postal employees are expected to furnish security to the Department?

(b) If so, what is the amount of security fixed for the various ranks of officials?

(c) What is the principle followed in determining the amount of security for each rank of officials?

(d) Is it a fact that in Madras City security to the extent of Rs 1,000 and Rs 2,000 is demanded of some postmen?

(e) What is the reason for demanding from postmen a security higher than that demanded of clerks and other officials?

(f) Are Government aware that postmen have been required to furnish securities of Rs 250, 1,000 and 2,000? If so, are the pecuniary responsibilities of the postmen also fixed in proportion to the security required of them? If so, what is the value of articles entrusted to them?

(g) If any distinction exists in the pecuniary responsibility of each class and in the amount of value entrusted to each, is there a similar distinction in the pay of each class? If not why not?

The Honourable Sir Bhupendra Nath Mitra. (a) Yes

(b) Personal security is fixed as follows

(1) Sub and Branch postmasters clerks Record clerks, Accountants, Sorters, Mail guards, extra departmental agents and stamp vendors, Rs 300

(2) Overseers and others who are specially required to convey or escort cash, Rs 500

(3) Postmen, village postmen overseers, mail peons, letter box peons, packers, Rs 250

Alternatively Cash Security amounting to two-thirds of these sums may be taken

(c) Generally 20 times of the pay of an official on entering the Department was formerly taken as security This limit has, however, not been increased since the last revision of pay and the security taken works out in most cases now to less than 20 times of the present initial pay

(d) Certain postmen in Madras City were lately required to give a higher security, but it has been recently decided that security for more than Rs 250 should not be demanded from them

(e) The Honourable Member is referred to the reply to part (g) of his question

(f) Yes Ordinarily the aggregate amount entrusted to a single postman at one time for the payment of money orders *plus* the aggregate value of V P Parcels made over to him for delivery does not exceed Rs 600 Where the amount to be paid and the value of the articles to be delivered exceeds this limit, a proportionately higher security has been taken in some places like Calcutta and Bombay The value of articles entrusted to postmen varies in different postal circles and is governed by local circumstances

(*g*) No, because pay does not depend on pecuniary responsibility alone I would add that the whole question of reducing the responsibilities of postmen or of modifying the extent of the security taken from them is at present under the Director-General's consideration

PAY OF STAMP VENDORS IN CERTAIN POST OFFICES

786 ***Mr. Abdul Latif Sahib Farookhi**: (*a*) Will Government be pleased to state whether it is a fact that in Mannady, Broadway, Flower Bazaar, Park Town, Vepery, Mylapore, High Court Buildings and Triplicane Post Offices in the Madras City stamps are sold for over Rs 200 daily?

(*b*) Is it a fact that the stamp vendors of the above offices are paid Rs 17—½—22, the scale fixed for the lower grade staff?

(*c*) Did the Government of India once decide that the pay of stamp vendors employed in offices where sales of stamps exceed Rs 200 should be fixed at Rs 40—5—90?

(*d*) If so, what are the reasons for fixing the pay of the stamp vendors employed in the above named offices on Rs 17—½—22?

(*e*) Are Government prepared to pay these stamp vendors at Rs 40—5—90 at least in future and those in other offices of the Circle, if the aggregate sales therein justify it?

Mr. H. A Sams: The information is being collected and will be supplied to the Honourable Member in due course

HILL STATION ALLOWANCE FOR POSTAL OFFICIALS OF CERTAIN STATIONS

787 ***Mr. Abdul Latif Sahib Farookhi**: (*a*) Will Government be pleased to state whether the postal clerks and other higher officials in the Post Offices like Coonoor Ootacamund, Wynad, Yercaud, and Kodaikanal situated on the hills are paid hill station allowance? If so, at what rate and from which date?

(*b*) Is it a fact that postmen and the lower grade men employed in the above offices are not granted any such allowance?

(*c*) If the answer to part (*b*) be in the affirmative, are Government prepared to consider the case of these men also and grant them suitable allowance?

The Honourable Sir Bhupendra Nath Mitra: (*a*) Yes The rates which were last revised with effect from the 1st September, 1921, vary for the different localities and for different classes of officials In the case of the postal clerks at Ootacamund the allowance is, generally speaking, at the rate of Rs 12 per mensem, while in the other places mentioned by the Honourable Member it is generally Rs 10 per mensem The Postmaster and Deputy Postmaster Ootacamund, draw allowances of Rs 40 and Rs 20 per mensem, respectively

(*b*) Yes

(*c*) The attention of the Honourable Member is drawn to paragraphs 35 and 11 of the proceedings of the meetings of the Standing Finance Committee held on the 16th and 30th January, 1930, respectively

SELECTION GRADE POST OFFICES IN INDIA.

788 ***Mr. Abdul Latif Sahib Farookhi:** (*a*) Will Government be pleased to state the number of selection grade post offices in India in 1919 and the number of selection grade officers then in service?

(*b*) What is the number of selection grade post offices in India now and the number of selection grade officers now in service?

(*c*) What was the number of selection grade post offices in the Madras Presidency in 1919 and the number of selection grade officers then?

(*d*) What is the number of selection grade post offices in the Madras Presidency now and the number of selection grade officers thereof?

(*e*) If increase in work be the criterion for raising an office to a selection grade status, what are the principal items of work which justify the change?

(*f*) When were the undermentioned sub offices raised to selection grade status?

1 Villupuram
2 Chidambaram
3 Myavaram
4 Teppakulam
5 Dindigul
6 Karur
7 Erode
8 Tiruppur
9 Coonoor, R S
10 Palghat
11 Tuticorin
12 Tinnevelly
13 Conjeevaram
14 Washermanpeta
15 Tindivanam
16 Cuddalore, O T

Prior to the conversion of the above offices into selection grade offices, what were the number of postmen and the number of clerks employed in those offices? What is their present strength?

(*g*) Is it a fact that the strength of the clerical establishment only is increased in such newly made selection grade post offices while that of the postmen and lower grade men is not so increased? If so, why?

Mr. H. A. Sams: (*a*) and (*c*) There was no selection grade in 1919

(*b*) Offices in India—806, Officers in India—1,633

(*d*) Separate figures for the Madras Presidency are not available, but the figures for the Madras Postal Circle are Offices—78, Officers—274.

(*e*) The status of a sub-office is raised to the selection grade when the work of the office as a whole justifies, by the application of the time test, the employment of five or more clerks All items of work covered by the time test are taken into consideration, and it is not possible to discriminate as to their relative importance

(*f*) Government do not possess the information and do not consider that the expenditure of time and labour which would be involved in collecting it could be justified by the importance of the result

(*g*) No, the facts are not as stated by the Honourable Member When the status of a sub office is raised to the selection grade an actual increase of clerical staff does not necessarily take place The selection grade posts of sub postmasters are regarded as supervisory appointments and are over and above the operative strength of the clerical staff of an office as justified by the time test

DELIVERY OF POSTAL ARTICLES BY POSTMEN ON SUNDAYS AND OTHER HOLIDAYS

789. ***Mr Abdul Latif Sahib Farookhi** (*a*) Will Government be pleased to state whether the despatch and delivery of paid letters constitute the only business transacted in Post Offices on Sundays and postal holidays?

(*b*) How is the attendance of postmen on Sundays and holidays regulated for the delivery of articles to the public?

(*c*) Is it a fact that in cities like Madras where there is more than one postman for a single beat on regular week days, the full beat is entrusted to one postman on holidays and the attendance of postmen arranged by turns?

(*d*) Is it a fact that in post offices like Tanjore Conjeevaram Erode, Cuddalore and a host of other offices, where there is only one postman for a beat all the postmen are required to attend to the delivery of articles, on holidays, in their respective beats?

(*e*) Is it a fact that the attendance of the postmen on holidays in the stations referred to in part (*d*) is not regulated by turns and that they work all the 365 days of a year, getting no holiday?

(*f*) Do they propose to arrange for causing the work to be done by turns and thus give the postmen holidays in the real sense of the term?

Mr. H. A. Sams: (*a*) The business mentioned by the Honourable Member is the main, but not the only business done by Post Offices on Sundays and Post Office holidays

(*b*) The distribution of letters is generally restricted to a single delivery and, where the number of postmen employed permits of this, attendance is by rotation As far as the possible attendance is fixed at an hour which affords the maximum portion of the day free to the postmen.

(*c*) to (*e*) Information is being collected and will be supplied to the Honourable Member in due course

(*f*) Yes, if enquiries show that this is not already done and such arrangements are practicable

HALTING ALLOWANCE FOR VILLAGE POSTMEN

790. ***Mr. Abdul Latif Sahib Farookhi.** (*a*) Will Government be pleased to state whether it is a fact that village postmen are generally expected to halt in out-stations before returning to their headquarters after completing the delivery of articles entrusted to them?

(*b*) If so, are they paid any daily *batta* for the days they halt in out-station? If not, why not?

(*c*) What is the *batta* paid to the undermentioned officers and officials when they halt in out stations during the course of their inspection?—

1 Director General,
2 Postmaster General,
3 Deputy Postmaster General
4 Assistant Postmaster General
5 Superintendent
6 Inspector,
7 Village postmen

(*d*) Will Government state how the village postmen keep secure the money order amounts and other valuable articles entrusted to them during their tour round the village?

(*e*) Are Government aware that the village postmen are often obliged to spend extra for their meals, etc., at the stations whereat they have to halt overnight?

(*f*) Are the Government prepared to consider the necessity of giving these village postmen daily *batta* for the days they halt in out stations?

The Honourable Sir Bhupendra Nath Mitra. (*a*) Yes, in many cases

(*b*) No The conditions of service of village postmen require that they should remain absent from headquarters when necessary for the discharge of their duties

(*c*) The rate of daily allowance for the journeys on tour is

1 Rs 10
2 Rs 7-8-0
3 Rs 6
4 Rs 4
5 Rs 4
6 Rs 3
7 The village postmen have no inspection duty to perform, but, if they are required to perform any journey for which travelling allowance as on journeys on tour is admissible, they are paid at the rate of 0-4-0 to 0-8-0 annas per diem according to pay

(*d*) Village postmen are supplied with locked bags in which to keep the cash and valuables entrusted to them when proceeding on their beats.

(*e*) Government have no information

(*f*) No, for the reasons stated in reply to part (*b*) above and also in view of the fact that a substantial improvement in their pay was effected in 1928

CONTRACTS MADE BY THE ARMY SERVICE CORPS

791. ***Lala Rang Behari Lal:** (*a*) Will Government be pleased to state if it is a fact that, after contracts for the supply of a certain commodity are made by the Indian Army Service Corps, the copies of the specifications of the articles concerned are given to every unit and that they are also put up in the Ration Stand?

(*b*) If so, will Government be pleased to state if officers are authorised to go against those specifications?

(*c*) Will Government be pleased to state if there is any penalty for any officer intentionally going against these specifications and the method in which the contractor's loss is compensated?

Mr. G. M. Young (*a*) Contracts for Indian Army Service Corps supplies are based on specifications approved by Government and published in a book entitled "Specifications of Articles supplied by the Indian Army Service Corps"

Copies of specifications are sent to all units to guide them in deciding whether the articles tendered are fit for acceptance

(*b*) No, Sir

(*c*) No specific penalty is prescribed in such cases If a contractor considers that an officer has not adhered to the approved specifications, he has the right of immediate appeal to the competent authority mentioned in the contract deed

CONTRACTS IN THE INDIAN ARMY SERVICE CORPS IN THE DELHI INDEPENDENT BRIGADE AREA

792. ***Lala Rang Behari Lal:** (*a*) Will Government be pleased to state if any contracts were placed at higher rates in the Indian Army Service Corps in the Delhi Independent Brigade Area this year in spite of the fact that there were lower tenders?

(*b*) If so, what was the number of such contracts, and will Government be pleased to state the reasons for this action?

(*c*) Will Government be pleased to state whether these contracts are placed with several contractors or with one particular contractor?

(*d*) If the contracts are given to several contractors on higher rates, will Government be pleased to state their names?

Mr. G. M. Young: With your permission, Sir, I propose to answer questions Nos 792, 793 and 794 together

Enquiries have been made and the result will be communicated to the Honourable Member in due course

TENDERERS FOR THE FIRE-WOOD CONTRACTS IN THE DELHI INDEPENDENT BRIGADE AREA

†793. ***Lala Rang Behari Lal**: Will Government be pleased to state the names of various tenderers for the fire-wood contracts in the Delhi Independent Brigade Area this year with their rates?

CONTRACT FOR HIRED TRANSPORT IN THE DELHI BRIGADE AREA

†794. ***Lala Rang Behari Lal**: (*a*) Will Government be pleased to state whether the hired transport contractor for the year 1928-29 had claimed a big amount in the Delhi Brigade Area above his contract?

(*b*) Is it a fact that on account of the above said claim that contractor could not give a reasonable rate in 1929-30, so the contract for hired transport was placed with his younger brother who was added on the approved list?

ORDERS BY THE DEPUTY AUDITOR GENERAL *RE* DRAWING OF PAY BY A CLERK WHILE ON LEAVE

795. ***Lala Rang Behari Lal**: (*a*) Is it a fact that the Deputy Auditor General, Headquarters, issued an Office Order to the effect that a clerk of the office of the Auditor General who is unable to receive payment of his dues in person should produce a life certificate signed by a responsible officer of Government or other well known and trustworthy person, in addition to a stamped receipt and a letter of authority?

(*b*) Are Government aware that the order requiring the production of a life certificate in such cases causes much inconvenience to the clerks on leave who may happen to be in a strange or a small station or who may be sick and unable to approach persons of the required status?

(*c*) Is it a fact that the clerks of the Auditor General's office made a representation against this order but that it was rejected?

(*d*) Is it a fact that no rule requiring the production of a life certificate in respect of non-gazetted Government servants is in force in any other Government office?

(*e*) Is it a fact that the Government of India has prescribed the production of such a life certificate *only* in the case of gazetted officers and officers on leave out of India?

(*f*) If so, are Government prepared to cancel the Order about the production of a life certificate?

The Honourable Sir George Schuster: (*a*) The Office Order in question requires that, when a member of the Auditor General's office establishment is unable to receive payment of his dues in person, he should send the following documents

(i) A receipt for the money due to him, duly signed, and stamped when necessary,

(ii) A life certificate for the drawal of leave salary, and

(iii) A letter mentioning the name of the person to whom the payment is to be made.

†For answer to this question, *see* answer to question No 792

(*b*) The existence of the order need not cause inconvenience, as, in cases in which individuals find it difficult to produce a life certificate, payment can be made by money order, at the cost of the payee, in which case payment is made by the Post Office to the recipient in person and no life certificate is required

(*c*) Yes

(*d*) Government are not aware of the practice actually obtaining in all other offices

(*e*) Yes But in the case of non gazetted officers, Government hold the heads of offices responsible for the correct disbursement of amounts drawn by them for payment to their subordinates, and it is, therefore, for the heads of offices in the discharge of their responsibility, to require the production of such a life certificate, should they consider it necessary, and not for the Government of India to prescribe it

(*f*) No The order merely embodies "a reasonable and business like precaution

DISCONTENT AMONG TYPISTS OF CERTAIN OFFICES

796 ***Lala Rang Behari Lal.** (*a*) Are Government aware that there is serious discontent among the typists of the offices of the Accountant General, Central Revenues, Director of Railway Audit, Auditor General, Director of Commercial Audit, in Delhi in consequence of their inadequate scale of pay and prospects?

(*b*) Is it a fact that they submitted memorials to the Auditor General praying for a suitable increase in their scales of pay and that the memorials were rejected by him?

(*c*) If so, will Government please state the reasons for rejecting the memorials?

(*d*) Will Government please state the scales of pay of the typists in the Government of India Secretariat, and in the offices of the Chief Commissioner, Delhi, Controller of Railway Accounts and the Director General, Posts and Telegraphs, and state if these scales are higher than those obtaining in the offices mentioned in part (*a*) above?

(*e*) If so, will Government please state the reasons for this difference in the scales of pay?

(*f*) Are Government prepared to bring the scales of pay obtaining in the offices as mentioned in part (*a*) into line with that obtaining in the Government of India Secretariat at a very early date?

The Honourable Sir George Schuster: With your permission, Sir, I lay on the table the information required by the Honourable Member

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(*a*) and (*b*) It is the fact that memorials were submitted and rejected and the memorials expressed dissatisfaction with existing rates of pay

(*c*) The Auditor General did not consider that the typists, who are not interchangeable with clerks in these offices, should be granted a better scale than that allowed at present for the nature of work done by them

(*d*) and (*e*) The scales of pay of typists in different offices are as follows:

(1) Government of India, Secretariat	Rs 90—4—130—4—170 (They, however get Rs 75 until they are confirmed)
(2) Chief Commissioner, Delhi	There is no separate scale of pay for typists They are in the grade of Junior clerks on Rs 50—5—175 with bar at Rs 120 and are liable to work anywhere in the office as routine clerks in the same scale
(3) Controller of Railway Accounts	The typists are on the same scale of pay as clerks class II which is Rs 75—5—150
(4) Director General, Posts and Telegraphs	There is no separate cadre for typists They are included in the second division or routine clerks in the time scale of Rs 55—5—155 with bars at Rs 80 and Rs 115 and those who are qualified in typing are actually employed as typists
(5) Accountant General, Central Revenues (6) Director of Railway Audit (7) Auditor General (8) Director of Commercial Audit	Rs 50—4—120

It will be observed that in some of the offices in question there are no separate scales of pay for typists They are on the scale of pay for routine clerks and are expected to do the work of routine clerks when required In the accounts offices there is no scale for routine clerks separate from the scale for other clerks, and the typists are not ordinarily expected to do regular clerical work

(*f*) No

PERCENTAGE OF MINORITY COMMUNITIES IN THE MINISTERIAL STAFF OF THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS

797 ***Lala Rang Behari Lal:** (*a*) Will Government be pleased to state what is the percentage of minority communities amongst the ministerial staff of the Department of Education, Health and Lands?

(*b*) Is it a fact that the percentage of minority communities is far in excess of the limit of 33 per cent fixed by Government?

(*c*) If the reply to part (*b*) is in the affirmative, are Government prepared to consider the advisability of raising the percentage of Hindus in the Department of Education, Health and Lands, until the requisite percentage of 66 per cent is obtained?

Sir Frank Noyce:

(*a*) Muslims	24·42
Europeans and Anglo-Indians	15·12
Sikhs	5·81
Other communities	1·16
Total	46 51

(*b*) No such limit has been fixed by Government The orders which the Honourable Member has presumably in mind are those which lay down that one-third of the number of all permanent vacancies occurring

in the Government of India Secretariat should be reserved for redressing communal inequalities These orders refer to fresh recruitment and do not prescribe 33 per cent as the maximum limit for representation of minority communities

(c) Does not arise

Pandit Nilakantha Das: Does the Honourable Member, who put the questions, suggest that the high proportion of presentation of minority communities is not based on considerations of merit?

(No answer was given)

CONTRACTS FOR SALE OF ICE AND AERATED WATER ON RAILWAYS

798. ***Lala Rang Behari Lal:** (a) Will Government be pleased to state if the Agents of the Railways make contracts for selling ice and aerated waters on their lines for all passenger trains for the hot weather every year?

(b) Is it a fact that contracts in the various branches of the North Western Railway, Lahore have been given to the same contractors for the last ten years?

(c) Is it a fact that the contractors of the North Western Railway make no arrangements for the sale of iced waters to the passengers, while they undertake to sell the same at the rate of 3 pies per pint?

(d) Is it also a fact that the vendors sell ice at higher rates than 1 as 6 pies per seer and they do not keep even the weighing scales?

(e) Are Government prepared, in the interests of third class passengers in special and others in general, to see that the undertakings are fully carried on by the ice-vendors?

Mr. A. A. L. Parsons: I am asking the Agent of the North Western Railway for information on the points raised by the Honourable Member and will communicate with him later

DESPATCHES AND TELEGRAMS ADDRESSED TO THE SECRETARY OF STATE FOR INDIA BY THE GOVERNMENT OF INDIA

799. ***Sir Purshotamdas Thakurdas:** (a) Will Government be pleased to state the number of despatches addressed by them to the Secretary of State during the years 1927, 1928 and 1929?

(b) Are despatches addressed to the Secretary of State on all important questions?

(c) If not, what are the questions on which despatches are addressed and what are the questions about which telegrams are addressed?

(d) Do Government recognise the difference between the method of addressing the Secretary of State by means of despatches and by means of telegrams?

(e) Is it a fact that despatches have to be signed by all Members of the Executive Council with a certain minimum?

(f) Is it a fact that the opinion of the Governor General in Council may be communicated to the Secretary of State by telegram without even the knowledge of other Members of the Executive Council?

(*g*) Will Government be pleased to state if they propose hereafter to resort more often to the system of communication with the Secretary of State by means of despatches only and not by means of telegrams unless the urgency of the question warrants communication by telegram?

(*h*) Will Government be pleased to state the amount of expenditure incurred by them on telegraph charges between the Government of India, and the India Office, including private and personal telegrams to the Secretary of State, during the years 1927, 1928 and 1929?

The Honourable Sir James Crerar: (*a*) and (*h*) Government do not consider that any useful purpose would be served by the compilation of the statistics asked for by the Honourable Member

(*b*) and (*c*) Yes, except when the urgency of a case requires telegraphic communication

(*d*) and (*e*) Yes

(*f*) Only in the case of departmental questions of minor importance

(*g*) The Government of India do not consider that any change is called for in the existing method of correspondence with the Secretary of State, *viz*

(1) by despatches (2) by Secretary's letters and (3) by telegram in cases of urgency

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UNSTARRED QUESTIONS AND ANSWERS

RECRUITMENT OF COPYISTS IN THE MILITARY ACCOUNTANT GENERAL'S OFFICE THROUGH THE PUBLIC SERVICE COMMISSION

283 **Mr. Gaya Prasad Singh:** (*a*) Is it a fact that the copyists in the Military Accountant General's office draw the same rates of pay and allowances as the third division clerks in the Government of India Secretariat and that they are not liable to transfer from that office?

(*b*) Is it also a fact that the recruitment to these posts is made by the Military Accountant General without going through the Public Service Commission?

(*c*) If the reply to the above questions is in the affirmative, are Government prepared to consider the desirability of making all further recruitment to the above appointments through the Public Service Commission?

The Honourable Sir George Schuster: (*a*) The answer is in the affirmative.

(*b*) Yes That has been the practice in the past

(*c*) Recruitment of routine division clerks will be made through the Public Service Commission in future

NON-OFFICIAL ADVISORY COMMITTEE FOR RISALPUR CANTONMENT AUTHORITIES

284 **Pandit Thakur Das Bhargava:** With reference to item No. 21 on page 13 of the Minutes of the Conference of a Deputation of the All-India Cantonments Association with the Army Secretary in June, 1929, regarding the desirability of having a Non-Official Advisory Committee

to help the Cantonment Authority in India existing in the form of 'corporation sole" in matters affecting the civic rights of the residents, will Government be pleased to state if the Officer Commanding, Risalpur Brigade has considered the advisability of the appointment of a few representatives of the civil population there for consultation as was done in stations in Waziristan which were not Cantonments?

Mr. G. M. Young: Relevant extracts from the minutes of the conference were forwarded to the General Officers Commanding-in-Chief, all Commands and the Commander, Burma Independent District for consideration of the suggestion made therein Government are not aware whether the suggestion has been or could suitably be adopted in Risalpur

APPOINTMENT OF TRADE COMMISSIONERS

285 **Pandit Thakur Das Bhargava:** (*a*) Will Government be pleased to state if any Trade Commissioners have been appointed so far? If so, at what places? Who are the gentlemen appointed and what are their qualifications?

(*b*) How many Trade Commissioners are proposed to be appointed during the present and coming years and in what places?

The Honourable Sir George Rainy: (*a*) The Honourable Member presumably has in mind the scheme for the appointment of Indian Trade Commissioners abroad No appointments have yet been made in pursuance of the scheme

(*b*) The total number of these Trade Commissioners provided for in the scheme is six, one each at Hamburg, Milan, New York, Alexandria, Durban and Mombasa It is hoped to make a start by selecting two Trade Commissioners this year and to complete the scheme gradually as funds permit

RECOVERY OF ARREARS OF PROFESSIONAL TAX IN THE CANTONMENT OF RISALPUR

286 **Pandit Thakur Das Bhargava:** (1) Are Government aware that considerable unrest prevails in the Cantonment of Risalpur caused by the action of the Cantonment Authority by the sudden recovery of heavy sums of two years arrears of the professional tax which was imposed by the Local Government only with effect from the 1st September, 1929?

(2) Will Government be pleased to state if it is a fact:

(*a*) that in 1926 a provincial tax was imposed by the Local Government in the Cantonment of Risalpur,

(*b*) that it was postponed from 1927 to 1929,

(*c*) that a professional tax was imposed in that Cantonment by the Local Government only with effect from the 1st September, 1929, *vide* the North West Frontier Province, Revenue Department Notification No 918-L F, dated the 24th August, 1929, and

(*d*) that "demand notices" have been issued for the recovery of the arrears of the tax for 1927, 1928 and 1929, which though dated 1st February 1930, have actually been served on the 15th February, 1930?

(3) If answers to part 2 (*a*) to (*d*) be in the affirmative, will Government be pleased to state the reasons which necessitated·

(*a*) the suspension of the provincial tax for two years,

(*b*) the introduction of new professional tax,

(*c*) the collection of professional tax for the preceding two years when the tax was imposed by the Local Government only with effect from the 1st September, 1929, and

(*d*) the difference of 15 days' interval allowed between the date of issuing notices, and actually serving the same?

(4) Will Government be pleased to state whether the provisions of sections 89 and 90 of the Cantonment Act have been complied with, and whether the requisite notification as regards the date, and the number of instalments proposed to be realised was published by the Cantonment Authority, and whether bills were sent in accordingly? If not, why not?

(5) Will Government be pleased to state the reasons which led the Cantonment Authority not to realise the tax for more than two years?

Mr. G. M. Young: I am making enquiries and will let the Honourable Member know the result in due course

LEASE FORM FOR SHOPS BELONGING TO CANTONMENT AUTHORITIES IN INDIA

287 **Pandit Thakur Das Bhargava.** Will Government be pleased to state if it is a fact that the question of adopting a suitable lease form for giving shops belonging to Cantonment Authorities in India on rent to shop-keepers is at present under the consideration of the Government of India?

Mr. G. M. Young: The Cantonment Authorities have recently been instructed to grant regular leases for the occupation of their shops

CONSTRUCTION OF THE BHIWANI-ROHTAK RAILWAY LINE

288 **Pandit Thakur Das Bhargava.** (*a*) In reply to question No 450 asked by me on 26th March, 1928 the Government was pleased to say that the construction of the Bhiwani-Rohtak Railway line is hoped to be finished by December 1929 In reply to a further question No 380, asked by me on the 27th March, 1929, Government was pleased to say that construction was hoped to start in 1930-31 and be completed in 1931 32 The Pink Book, North Western Railway, however, shows that the construction will not be taken up in 1930-31 Will the Government be pleased to state why they are postponing the construction of this line?

(*b*) Has the Bombay, Baroda and Central India Railway made any representation in the matter regarding the likely prejudicial effect on that Railway of the proposed new line? If so, has any reply been given?

(*c*) Are Government aware that four trains used to run between Delhi and Bhatinda *via* Rewari and up till September 1928 there were at least three trains running between Delhi and Bhatinda *via* Rewari, whereas at present there are only two passenger trains (one direct and the other connecting) from Delhi to Bhatinda *via* Rewari (Bombay, Baroda and Central India Railway)?

(*d*) Are Government aware that this reduction in the number of trains is causing great inconvenience to the public?

Mr. A. A. L. Parsons: (*a*) It has, as the Honourable Member is aware, not been found possible to find money for starting any new lines in 1930-31.

(*b*) No The Bombay, Baroda and Central India Railway originally objected to the construction of the Bhiwani-Rohtak line but have since withdrawn their objection.

(*c*) and (*d*) I would invite the Honourable Member's attention to the reply given on 26th September 1929 by Mr Rau to the Honourable Member's question No 221

WANT OF MAIL, EXPRESS OR FAST TRAINS BETWEEN REWARI AND BHATINDA AND STOPPAGE OF SHUTTLE TRAINS BETWEEN BHIWANI AND HISSAR

289. **Pandit Thakur Das Bhargava:** (*a*) Is it a fact that there are no mail, express or fast trains at present running between Rewari and Bhatinda (Bombay, Baroda and Central India Railway)?

(*b*) Is it a fact that, for a few months, shuttle trains were running between Bhiwani and Hissar and the said trains were fully utilised by the public?

(*c*) Is it a fact that from the 1st March, 1930, the shuttle trains have ceased to run between Bhiwani and Hissar?

(*d*) Was the experiment unsuccessful financially? If not, why has this convenience been withdrawn?

Mr. A. A. L. Parsons: I would invite the Honourable Member's attention to the reply given on 26th September, 1929, by Mr Rau to the Honourable Member's question No 221 I will send a copy of the Honourable Member's question and of my answer to the Agent of the Bombay, Baroda and Central India Railway and ask him to take such action as he may consider necessary

CHARGE BY THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY OF THIRD CLASS MAIL FARES FROM PASSENGERS TRAVELLING IN EXPRESS TRAINS

290 **Pandit Thakur Das Bhargava:** (*a*) Does any other Railway Administration except the Bombay, Baroda and Central India Railway (metre gauge) charge third class mail fares from passengers travelling in express trains?

(*b*) If the reply is in the negative, will the Government be pleased to state the reason for this action of the Bombay, Baroda and Central India Railway metre gauge?

Mr. A. A. L. Parsons: (*a*) Yes.

(*b*) Does not arise

WANT OF CONCESSION FARES FOR THIRD AND INTERMEDIATE CLASS PASSENGERS ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

291. **Pandit Thakur Das Bhargava:** (*a*) Is it a fact that the Bombay, Baroda and Central India Railway does not grant to third or intermediate class passengers any concessions such as week-end return tickets, Christmas, Diwali, Dussehra concession?

(*b*) Have Government ever addressed this Railway in this matter? If so, what reply has been given? Do Government propose to ask the Bombay, Baroda and Central India Railway, to bring their action in regard to concessions into line with that of other railways?

Mr. A. A. L. Parsons: (*a*) No Concession return tickets are issued for the Christmas and Dewali holidays from Bombay.

(*b*) I would refer the Honourable Member to the reply given to part (*c*) of his question No 226 on the 26th September, 1929 The reply to the latter part of this question is in the negative

GENERAL KNOWLEDGE PAPER IN THE SECRETARIAT MINISTERIAL BRANCH EXAMINATION HELD BY THE PUBLIC SERVICE COMMISSION

292 **Mr G. Sarvotham Rao.** (1) Is it a fact that

(*a*) in all ministerial branch examinations held by the Staff Selection Board and the Public Service Commission up to 1928 the general knowledge paper has been on one and the same lines and mostly comprised of the newspaper knowledge,

(*b*) the style of this paper was quite changed in the examination of 1929,

(*c*) this change was not previously made known to the candidates by means of a model paper?

(2) If the reply to part (1) above be in the affirmative, will Government be pleased to state whether a fixed number of grace marks has been awarded to examinees? If not, why not?

The Honourable Sir James Crerar: (1) (*a*) and (*b*) I understand that though the general knowledge paper has hitherto been much on the same lines it can scarcely be said to have mostly comprised newspaper knowledge and that at the last examination the scope of the paper remained much the same though the style was changed

(*c*) Yes

(2) The matter is one entirely for the Public Service Commission and Government are not prepared to interfere with their discretion

THE SECRETARIAT MINISTERIAL BRANCH EXAMINATION HELD BY THE PUBLIC SERVICE COMMISSION

293 **Mr. G. Sarvotham Rao:** Is it a fact that the ministerial branch examination held in 1929 by the Public Service Commission was the final examination for departmental men? If so, will Government be pleased to state whether a more lenient treatment has been given to candidates for the upper division than has hitherto been done in qualifying examinations? If not, why not?

The Honourable Sir James Crerar: It is a fact that the examination referred to was the last qualifying examination but such departmental men as are eligible by age and qualifications will be entitled to appear at future competitive examinations The reply to the second part of the question is in the negative The reason is that it was not desired to lower the standard

THE SECRETARIAT MINISTERIAL BRANCH EXAMINATION HELD BY THE PUBLIC SERVICE COMMISSION

294 **Mr. G. Sarvotham Rao:** (1) Is it a fact that

(*a*) a uniform percentage of marks has been observed to qualify candidates for the upper division in all qualifying examinations, and

(*b*) such percentage was taken in the aggregate and not in the individual papers?

(2) If the reply to (1) above be in the affirmative, will Government be pleased to state whether this practice has been observed in the 1929 ministerial branch examination? If not, why not?

The Honourable Sir James Crerar: (1) (*a*) No

(*b*) Yes

(2) I have no information The matter was entirely one for the discretion of the Public Service Commission

THE SECRETARIAT MINISTERIAL BRANCH EXAMINATION HELD BY THE PUBLIC SERVICE COMMISSION

295 **Mr. G. Sarvotham Rao:** Will Government be pleased to lay on the table a statement showing

(*a*) the names of candidates who appeared in the 1929 examination for the upper division of the Secretariat, and

(*b*) how many were declared successful?

The Honourable Sir James Crerar: A statement is being prepared and will be furnished to the Honourable Member in due course

NUMBER OF STENOGRAPHERS WHO APPEARED FOR THE SECRETARIAT MINISTERIAL BRANCH EXAMINATION HELD BY THE PUBLIC SERVICE COMMISSION

296 **Mr. G. Sarvotham Rao:** Will Government be pleased to state the number of stenographers who appeared for the upper division in the 1929 examination and the number of the stenographers passed in that examination? Will they be also pleased to state the marks obtained by them in each individual paper?

The Honourable Sir James Crerar: 22 stenographers appeared for the upper division of whom eight qualified Government have no information in the matter

THE SECRETARIAT MINISTERIAL BRANCH EXAMINATION HELD BY THE PUBLIC SERVICE COMMISSION

297. **Mr. G. Sarvotham Rao:** Will Government be pleased to state what percentage of marks in the aggregate was fixed in the upper division qualifying examinations of 1920, 1922, 1924 and 1925? Do Government propose to qualify those candidates for the upper division in the 1929 examination who got the same percentage of marks in the aggregate? If not, why not?

The Honourable Sir James Crerar: I understand that the percentages varied but I have no precise information The reply to the second part of the question is in the negative Government have no reason to suppose that a reasonable standard was not adopted

THE SECRETARIAT MINISTERIAL BRANCH EXAMINATION HELD BY THE PUBLIC SERVICE COMMISSION

298 **Mr. G. Sarvotham Rao:** Do Government propose to pass for the upper division those men who

(*a*) appeared for the upper division in the competitive examination of 1926 and secured over 60 per cent marks in the aggregate; and

(*b*) who appeared in the qualifying examination of 1929 for the same division and secured 60 per cent marks in the aggregate?

The Honourable Sir James Crerar: (*a*) and (*b*) Government do not conduct these examinations and are not prepared to interfere with the discretion of the Public Service Commission in regard to the method of conducting them

PUBLIC SERVICE COMMISSION EXAMINATION FOR THE RECRUITMENT OF STENOGRAPHERS

299 **Rao Bahadur M. C. Rajah:** (*a*) Is it a fact that since 1924, no examination has been held for the recruitment of stenographers for the Government of India Secretariat and Attached Offices?

(*b*) Is it a fact that owing to the dearth of qualified men unpassed men have been employed as stenographers in some of the offices?

(*c*) Is it a fact that at the last ministerial branch examination some of the men who have been successful for the first division are stenographers?

(*d*) Have Government considered the desirability of holding at an early date an examination open to departmental candidates desirous of qualifying for the stenographer's grade?

The Honourable Sir James Crerar: (*a*) and (*c*) Yes

(*b*) Yes in temporary vacancies only

(*d*) The matter is under the consideration of the Public Service Commission

THE SECRETARIAT MINISTERIAL BRANCH EXAMINATION HELD BY THE PUBLIC SERVICE COMMISSION.

300 **Rao Bahadur M. C. Rajah:** (*a*) Will Government be pleased to state

(i) the total marks for each of the various papers set at the last clerical examination held by the Public Service Commission,

(ii) the percentage of marks required to be obtained to secure a pass in the First and Second Divisions respectively, and

(iii) the percentage of pass marks for qualifying clerical examinations held in the past by the Public Service Commission or the late Staff Selection Board?

(*b*) Is it a fact that the percentage of pass marks fixed in respect of the last examination is very high as compared with that for previous examinations? If so, will Government please state the reasons therefor?

The Honourable Sir James Crerar: (*a*) (i) and (ii) Government have no information

(iii) The percentage fixed by the Staff Selection Board varied from time to time and the records available do not show in all cases clearly what it was The Public Service Commission did not hold any qualifying examination before 1929

(*b*) The Departmental Conference on the subject recommended that a fairly high standard should be required.

THE SECRETARIAT MINISTERIAL BRANCH EXAMINATION HELD BY THE PUBLIC SERVICE COMMISSION

301 **Rao Bahadur M. C. Rajah:** (*a*) Is it a fact that some of the candidates who appeared at the last clerical examination held by the Public Service Commission had already failed once or twice at such previous examinations?

(*b*) Is it a fact that some of them though they had not actually failed to qualify for higher grades at previous examinations had opportunities of appearing at such examinations?

(*c*) Is it also a fact that there were among the candidates for the First Division some men who had never had before any opportunity of appearing for this Division?

(*d*) Do Government propose to give any concession to those who fall in category (*c*) and have not been successful at the last examination?

(*e*) Have Government considered the question of allowing these men as a special case to appear at the next examination if they are not otherwise eligible?

The Honourable Sir James Crerar: (*a*), (*b*) and (*c*) Yes

(*d*) No

(*e*) Government see no reason to consider the grant of any concessions to these men

THE SECRETARIAT MINISTERIAL BRANCH EXAMINATION HELD BY THE PUBLIC SERVICE COMMISSION

302 **Rao Bahadur M. C. Rajah:** (*a*) Are Government aware that there is a general feeling of dissatisfaction at the results of the last clerical examination?

(*b*) Are Government aware that some of the candidates who have failed to qualify are considered by the Heads of the Departments concerned to be in every way fit to hold appointments in the divisions for which they appeared?

(*c*) Do Government propose to consider the desirability of reviewing the cases of those candidates who secured fairly high marks and are considered fit by the Head of the Department concerned?

The Honourable Sir James Crerar: (*a*) I gather that there is some dissatisfaction among unsuccessful candidates

(*b*) I have no such information

(*c*) No

THE SECRETARIAT MINISTERIAL BRANCH EXAMINATION HELD BY THE PUBLIC SERVICE COMMISSION

303 **Rao Bahadur M. C. Rajah**: (*a*) Is it a fact that the results of the ministerial selection branch qualifying examination held by the Public Service Commission have recently been announced?

(*b*) Is it a fact that the marks obtained by those candidates who have not been able to qualify have not been communicated to the departments to which they belong?

(*c*) Is it a fact that this is contrary to past practice?

(*d*) Are Government prepared to communicate the marks obtained by such candidates to the departments concerned? If not, will they please state the reasons for their inability to do so?

The Honourable Sir James Crerar: (*a*) and (*b*) Yes

(*c*) No

(*d*) Government see no advantage in communicating to departments the marks obtained in this particular qualifying examination

THE SECRETARIAT MINISTERIAL BRANCH EXAMINATION HELD BY THE PUBLIC SERVICE COMMISSION

304 **Rao Bahadur M. C. Rajah**: (*a*) Will Government please state the number of candidates who appeared for the first and second divisions, respectively, at the last clerical examination held by the Public Service Commission?

(*b*) Will Government please also state how many of the candidates have been declared successful for each division?

(*c*) What is the percentage of successful candidates at this and all previous examinations held by the Commission or the late Staff Selection Board?

(*d*) Is it a fact that the percentage of successful candidates at the last examination is far less than in previous examinations?

The Honourable Sir James Crerar.

(*a*) First Division 425 candidates
Second Division 141 candidates

(*b*) First Division 17 candidates
Second Division 29 candidates

(*c*) The percentages are given below

Year	Percentage of candidates qualified for 1st, 2nd and 3rd Divisions
1920	39·4 approximately
1922	35·5 „
1924	33 9 „
1925	21·0 „
1926	12·4 „
1929	17 0 „

(*d*) Yes As this was the last qualifying examination many candidates appeared who had no chance of success

RULES FOR ALLOTMENT OF QUARTERS IN NEW DELHI.

305 **Rao Bahadur M. C. Rajah:** (*a*) Is it a fact that the rules regarding the allotment of quarters in New Delhi are under revision?

(*b*) When will Government come to a final decision in the matter and what is the cause of delay?

(*c*) Have Government provided in the new rules that the allotment for the next season should be made in January or February every year, to enable those who are not given quarters to make their private arrangements in good time?

(*d*) If the reply to part (*c*) be in the negative, will Government kindly state the reason?

(*e*) Is it a fact that the allotment of Simla quarters for the next year is made in August?

The Honourable Sir Bhupendra Nath Mitra (*a*) Yes

(*b*) There has been a certain amount of delay owing to the fact that the views of the different Departments had to be obtained It is hoped that a final decision will be arrived at during the coming summer season

(*c*) This will be considered along with other suggestions

(*d*) Does not arise

(*e*) The officers' houses and the clerks' quarters in Simla are respectively allotted as soon after the 1st September and the 1st July as possible

POLICEMEN ON DUTY IN THE SQUARES OF INDIAN CLERKS QUARTERS IN NEW DELHI

306 **Rao Bahadur M C Rajah:** (*a*) Is it a fact that policemen remain on duty at New Delhi in the squares of Indian clerks quarters during the day?

(*b*) Have any policemen been posted in the new quarters constructed in 1929?

(*c*) If not, do Government propose to issue orders to the effect that policemen should be posted in all the squares, places and roads, etc , to keep watch during the day when all the clerks are away in offices and there are many chances of burglaries?

The Honourable Sir James Crerar: (*a*) Yes

(*b*) Yes

(*c*) The question does not arise

DIFFICULTIES *re* EDUCATION OF THE CHILDREN OF THE MOVING STAFF OF THE GOVERNMENT OF INDIA

307 **Rao Bahadur M. C. Rajah:** (*a*) Are Government aware that as there are different Universities for Simla and Delhi the education of the children of the employees of the Government of India who move between these places have to suffer a good deal on account of different courses and complaints to this effect have been made many times?

(*b*) Will Government be pleased to state what they propose to do to alleviate the difficulties experienced by their employees in regard to the education of their children?

Sir Frank Noyce: (*a*) and (*b*) The Punjab University exercises control over higher education in Simla, while the University of Delhi exercises control over higher education in Delhi A proposal to have a school moving between Delhi and Simla is under consideration

NOTICE OF OCCUPATIONS OF GOVERNMENT QUARTERS IN NEW DELHI

308. **Rao Bahadur M. C. Rajah:** (*a*) Is it a fact that seven days' notice is given for the occupation of Government quarters in New Delhi?

(*b*) Are Government aware that most of the quarters are even then not fit for occupation and that the occupants are put to a lot of trouble on their arrival?

The Honourable Sir Bhupendra Nath Mitra: (*a*) Yes

(*b*) No

FURNITURE FOR CLERKS' QUARTERS RECENTLY CONSTRUCTED IN NEW DELHI.

309 **Rao Bahadur M. C. Rajah:** (*a*) Is it a fact that new furniture was purchased for the new clerks quarters constructed recently in New Delhi?

(*b*) Have all these new quarters been furnished with new furniture?

(*c*) If not, what has happened to the new furniture?

(*d*) Has the new furniture been sent to the bungalows of the local Public Works Department officials and the old furniture been supplied in the quarters?

(*e*) Have Government received any complaint to this effect?

(*f*) When will the old furniture in the new quarters be replaced by the new furniture intended for them?

The Honourable Sir Bhupendra Nath Mitra: (*a*) A certain quantity of new furniture was bought for the clerks' quarters as a whole owing to the fact that certain new "C" and "D" quarters had been constructed in the previous year, and not specifically for the new quarters

(*b*) No

(*c*) The new furniture has been used in furnishing the quarters allotted to migratory clerks

(*d*) No

(*e*) Yes, certain complaints were received to the effect that the new quarters should have been furnished with new furniture

(*f*) The old furniture will be replaced by new furniture when the former becomes unserviceable

THE SECRETARIAT MINISTERIAL BRANCH EXAMINATION HELD BY THE PUBLIC SERVICE COMMISSION

310 **Rao Bahadur M. C. Rajah:** (*a*) Is it a fact that some of the candidates who appeared for the first division in the last departmental examination for the Government of India Secretariat held by the Public Service Commission were not already qualified for the second division?

(*b*) Is it a fact that most of such candidates have not been able to qualify for the first division?

(c) Have some of them obtained a sufficient number of marks for the second division? Is it a fact that they have not been declared qualified for that division?

(d) Do Government propose to consider their cases and declare them fit for the second division?

(e) If the reply to part (d) be in the negative, will Government kindly state the reasons?

The Honourable Sir James Crerar: (a) and (b) Yes

(c) and (d) Yes, and when successful they have been declared qualified

(e) Does not arise

CAMP OFFICE OF THE INCOME TAX OFFICER GUJRANWALA

311 **Rao Bahadur M. C. Rajah:** (a) Is it a fact that the Income-tax Officer, Gujranwala, camped at Chhanawan during the last Summer?

(b) How far is that place from the nearest railway station?

(c) Were the assessees from Ramnagar and Akalgarh called at Chhanawan to produce their accounts, etc ?

(d) How far is Chhanawan from Ramnagar and Akalgarh ?

(e) Are Government aware that there are no suitable arrangements for boarding at Chhanawan and on account of long distances which they had to travel the assessees were put to a great inconvenience specially during the rainy days?

(f) Are Government prepared to issue instructions in future that the Income-tax Officer should visit Akalgarh for assessment and not require the assessees to travel long distances?

The Honourable Sir George Schuster: (a) to (e) The Government have no information A report has been called for from the Commissioner of Income-tax Officer should visit Akalgarh for assessment and not require the substance of it to the Honourable Member, and the Central Board of Revenue will then consider the suggestion in part (f) of the question

THE NEW DELHI CONNAUGHT PLACE BOOKING OFFICE

312. **Rao Bahadur M. C. Rajah:** (a) Is it a fact that the New Delhi Connaught Place Booking Office was opened for goods about 12 months ago?

(b) Is it a fact that in the last week of October, 1929, the Railway authorities at Lahore Junction refused to book goods for that booking office, on the plea that they were not aware of the booking office?

(c) Is it a fact that the matter was reported by the consignee to the Divisional Superintendent, North Western Railway, Delhi, who forwarded it to the authorities at Lahore *vide* his letter No 4118 C D /29, dated the 9th December, 1929?

(d) Is it also a fact that the consignee has sent *half a dozen* reminders to the Railway authorities at Lahore during the last three months, but has heard *nothing* in reply?

(e) What action do Government propose to take in the matter to avoid repetition of such action on the part of railway officials?

Mr. A. A. L. Parsons: (*a*) Yes

(*b*), (*c*), (*d*) and (*e*) I am obtaining a report and will communicate with the Honourable Member in due course

NOMINATION OF A PARSI TO THE DEOLALI CANTONMENT BOARD.

313 **Pandit Thakur Das Bhargava:** (*a*) Has a Parsi gentleman been recently nominated to the Cantonment Board, Deolali, under the proviso to section 14 (*1*) (*c*) of the Cantonments Act?

(*b*) If so, what led to his nomination when representatives of the Parsi Community were already on the Board through election?

(*c*) Has this nomination been protested against by some elected member or members of the Cantonment Board? If so, what action has been taken on protest?

(*d*) Who is the gentleman nominated? What are his qualifications for nomination? What interest is he expected to represent on the Board?

(*e*) Is it a fact that an undertaking or assurance has been given by him that he will invariably support the President?

Mr. G. M. Young: Government have no information I am making enquiries and will let the Honourable Member know the result in due course

RESIGNATION OF HINDU ELECTED MEMBERS OF THE AGRA CANTONMENT BOARD

314 **Pandit Thakur Das Bhargava:** (*a*) Is it a fact that all the Hindu elected members of Agra Cantonment Board have resigned their seats in a body?

(*b*) Have the resigning members given reasons for their resigning the same? If so, what are those reasons?

(*c*) Is it a fact that the Cantonment Authority has by a majority of votes given permission for the opening of a meat shop near a Hindu temple?

(*d*) Will Government state why this new meat shop has been opened? What particular public need is it intended to satisfy and how was that need satisfied so far?

(*e*) Did the Hindus protest against the opening of the shop? If so, how did the Cantonment Authority dispose of their protest?

(*f*) Do Government propose to direct the Cantonment Authority of Agra to consider the question of shifting the shop to a more suitable place?

Mr. G. M. Young: (*a*) and (*b*) The Government have received a copy of a letter addressed to the President of the Cantonment Board, by four elected Hindu members tendering their resignation for what they considered to be an infringement of the religious and civic rights of the Hindu residents of the cantonment by the non-Hindu majority of the Board

(*c*) and (*d*) Yes, a butcher applied for and was given a licence for a meat shop about 100 yards from a Hindu Temple As to the other sub-parts of part (*d*), the Government have no information

(*e*) I am informed that certain Hindu residents of the area, who were aware that preliminary inspections had been carried out both by the Executive Officer and the Health Officer, raised no objection until the licence had

been issued They then applied to the Executive Officer who made enquiries and found that their complaints were not well founded The inhabitants of the immediate neighbourhood are said to be persons of low caste who eat meat and the shrine is apparently not frequented by high caste Hindus In the meantime a counter representation was received from about 200 persons including some high caste Hindus, asking that the shop might be left where it was

(*f*) No, but I understand that the dispute is being settled by agreement among the parties interested

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MOTION FOR ADJOURNMENT

COLLISION BETWEEN THE POLICE AND PUBLIC AT RANGOON

Mr. Jehangir K. Munshi (Burma Non-European) Sir, I ask for leave to move the adjournment of the House to discuss a definite matter of urgent public importance namely the attack made by the police on the crowd outside the Court of the District Magistrate, Rangoon, and the assaults made by the police on several public men during the trial of Mr J M Sen Gupta, and the action of the authorities in making use of troops on the said occasion and their policy, conduct and behaviour on the said occasion resulting in serious injuries to a large number of innocent and unoffending citizens of Rangoon If you feel, Sir, that my motion is open to objection on any grounds, or if the Honourable the Leader of the House opposes the motion on any grounds I hope I and desirably other sections of the House will be given an opportunity of meeting those points before you are pleased to give your ruling

Mr. President: That is the procedure which the Honourable Member is laying down for himself The correct procedure is that the Honourable Member must show that the motion is in order

Mr. Jehangir K. Munshi: Very well, Sir I shall try to anticipate objections so far as I can

I am given to understand, Sir, that objections might be advanced on the ground that the matter is *sub-judice*, Government's allegation being that certain persons are being prosecuted for offences committed when they formed part of the crowd You will notice, Sir, that I am not asking the House to consider what any particular person in the crowd did or did not do I am not asking the House to direct its attention to any pending or impending prosecutions What we are concerned with is the attack made by the police on the crowd

Mr. President: Is that not a matter for investigation in the case?

Mr. Jehangir K. Munshi: If the position of Government is that certain police men are being prosecuted for attacks made on the crowd, then of course, this particular matter would be *sub-judice*

Mr. President: If the case of Government is that the police did not attack the crowd, but they were merely on the defensive, is not that a point for investigation in the court of law if the case is already instituted?

Mr. Jehangir K. Munshi: My point is this, that the police attacked the crowd Government's position probably is that the crowd committed certain offences against the law I am not asking the House to direct its attention to what the crowd did I am asking the House to consider the conduct and attitude of the police on this occasion

Mr. President: The Honourable Member says that the police began the attack Government I understand say that the police were on the defensive, and the crowd began the attack, what then?

Mr. Jehangir K. Munshi: I do not know if the Honourable Member will go to the extent of saying that certain persons are being prosecuted for starting the attack on the police But that is not the only point of my motion

Mr. President: Then is the Honourable Member prepared to give this point up?

Mr. Jehangir K. Munshi: No, Sir, I am not I adhere to my argument that this particular part of my motion cannot in any way come within the objection of being *sub-judice* But even if you hold that it does, that does not put an end to my motion, because there are several other parts each of which is complete in itself for an argument in debate

The second part is the assault made by the police on several public men I have not heard it suggested that any public man is being prosecuted in Rangoon for assaulting policemen

Mr. President: That is not the question So far as I can see, the case of Government probably is that the policemen assaulted the public men in self-defence

Mr. Jehangir K Munshi: How can there be self-defence, unless it is alleged that the public men assaulted the police?

Mr. President: It is alleged that the crowd opened the attack

Mr. Jehangir K Munshi: I have still got to hear the Honourable the Home Member advance the proposition that the public men of Rangoon actually assaulted the police My position is that the police singled out the public men who gave no offence, and who did not bring themselves within the scope of the law in any way

Mr. President: That is your case?

Mr. Jehangir K. Munshi: That is my case

Mr. President: Is that a matter under investigation by a court of law?

Mr. Jehangir K. Munshi: No, Sir Even if we take the Government version to be accurate, that particular matter is not being tried by any court, because, if certain persons in the crowd are being prosecuted for certain offences, it is not suggested that any of the public men of Rangoon who were assaulted by the police are being tried for any offence. These two are separable parts of my motion First of all I am dealing with the crowd, then I am dealing with the prominent public men of Rangoon. But my motion does not end there

Mr. President: Does the Honourable Member accept the view that the matter is *sub-judice*.

Mr. Jehangir K. Munshi: It cannot be contended by any stretch of the imagination that any of the public men of Rangoon are being tried at Rangoon

Then, Sir, the third part of my motion deals with the action of the authorities in making use of troops I do submit that the use of troops should be resorted to absolutely as a last resource and not as a wanton display of brute force to illustrate the might and pomp of the British Empire The preservation of law and order is as dear to me and to the Opposition in this House as to the Government Benches, but the preservation of law and order is one thing and the wanton display of brute force to overawe the people and to check movements of a non violent nature are entirely different propositions I submit, Sir, that, on this point alone, this House should proceed to debate whether Government were justified in calling out the troops to overawe the public when a prominent political offender was being tried for a political offence

Mr. President: The motion must refer to specific points

Mr. Jehangir K. Munshi: I admit that it can be regarded as a general point to that extent Then the fourth point is that the behaviour of the police resulted in causing serious injuries to a large section of the crowd The sketchy report which was published in the Press is not accurate, but even from this report it appears that more than a hundred persons were injured

Mr. President: How many policemen were injured?

The Honourable Sir James Crerar (Home Member) The report is about twenty

Mr. Jehangir K. Munshi: The report which has been published in the Press gives the figure as ten but the report which I have received gives a smaller figure So I submit my motion is in order and should be allowed

With regard to the point of urgency it may be said that I have not been sufficiently prompt in bringing the motion before the House I wish to emphasise the point that a Member of this House is not bound to give notice of a motion of this nature immediately reports are published in the Press of a certain incident Because a particular report as it may appear in the Press may or may not give rise to a proper motion for adjournment

Mr. President: He is not bound to give any notice at all (Laughter)

Mr. Jehangir K. Munshi: But the Press report need not necessarily pin him down to a particular date A Press report of a certain incident may appear which may call for no action Next day a report may appear in the Press with regard to the same incident which may immediately call for action So I beg to submit that the first Press report published here on which I did not act was so sketchy and so amazingly vague and evasive that I could not possibly make it the basis of an adjournment motion I instituted my own inquiries and I got my information As soon as I got information on which I could base an adjournment motion I sent in notice

of the motion I submit, therefore, that so far as the question of urgency is concerned, I have not in any way placed myself beyond the purview of that particular rule.

The Honourable Sir James Crerar: Sir, I propose to deal briefly with the objections which I propose to raise to this motion In the first instance, it refers to action taken by the local authorities to meet a sudden disturbance of the peace That is a matter which quite obviously the Government of India could not themselves directly control, even if they so desired, and it is not primarily their concern Consequently I submit that no general question of policy is involved, and that the subject-matter of this motion could not properly or profitably be discussed in this House.

The second point which I submit is this I have information that proceedings are pending against three persons in respect of this disturbance and it is impossible to say what matters may not be involved in these discussions The general question raised by the Honourable Member raises issues which are almost certain to be in issue in a court of law Therefore, the whole matter is definitely under adjudication of the court of law and I submit, therefore, that on that ground, the motion is not in order

Mr. President: The point that I am not clear about is the use of troops for dispersing the crowd

The Honourable Sir James Crerar: Though I cannot speak with complete definiteness, the report which I have received from the Local Government makes no reference whatsoever to the use of troops, and I think I am entitled to infer that troops were not actually used and the matter was dealt with solely by the police force In any case, I submit, Sir, that if a disturbance is of a sufficiently serious nature to require the use of troops—though I do not believe that in this case such action was taken—the matter is still one which under the law is definitely within the competence and discretion of the Local Government Therefore, that does not raise any general question of policy in which the Government of India are primarily and immediately concerned

Diwan Chaman Lall (West Punjab Non-Muhammadan) May I ask whether troops were actually called out, though not employed?

Mr. President: Will the Honourable Member get information whether the troops were called out and whether they were used?

The Honourable Sir James Crerar: I will certainly get information on that point Nevertheless, I submit that, even if the troops were called out, that does not raise a definite matter of policy in which the Government of India as such is primarily concerned

Mr. President: The question whether the Government of India is primarily concerned or not is not a question for the Chair; it is a question for the Governor General

The Honourable Sir James Crerar: The matter is under the adjudication by a court of law.

Mr. President: That is a point which applies to the first two matters I think for two reasons I should take this matter up on Monday. One is that I should like the House to make as much progress as possible in the

[Mr. President]

matter of the Finance Bill and see that the amendment at any rate are finished today That is my intention The second reason is that I should like, before I decide whether the motion is in order or not, to have information on the question whether the troops were called out, and if so, whether they were used at all In this view, I propose to pass orders on Monday, after hearing the Leader of the House again

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ELECTION OF MEMBERS TO THE STANDING COMMITTEE ON PILGRIMAGE TO THE HEDJAZ

Mr. President: I have to inform the Assembly that the following five Members have been elected to the Standing Committee on Pilgrimage to the Hedjaz, namely

1 Mr Fazal Ibrahim Rahimtulla
2 Haji Chaudhury Mohammad Ismail Khan
3 Haji Abdoola Haroon
4 Maulvi Sayyid Murtuza Saheb Bahadur
5 Raja Ghazanfar Ali Khan

THE INDIAN FINANCE BILL

Mr. President: The House will now resume further discussion on the amendment of Mr Fazal Ibrahim Rahimtulla* to Schedule I of the Finance Bill

Pandit Hirday Nath Kunzru (Agra Division Non-Muhammadan Rural) Sir, I desire to accord my support to the proposition placed before this House by my Honourable friend Mr Fazal Ibrahim Rahimtulla I do not propose to discuss this question on technical grounds which I am not competent to go into I think that the question can be dealt with on general grounds and should be dealt with on those grounds which are intelligible to any layman

My first reason for supporting Mr Fazal Ibrahim Rahimtulla's proposition is, broadly speaking, a financial one The Honourable the Finance Member has told us that he is faced with a deficit of about 4,40 lakhs He is, however, asking us to vote taxation to the tune of 5,10 lakhs To the extent of 70 lakhs, Sir, he is asking us to vote taxation, not to cover any deficit, but to provide him with a surplus Now Sir, I can well understand that, in a big financial concern like the Government of India, it is necessary to have a margin of safety But the circumstances this year are of a special character The taxation that the Honourable Member asks us to agree to is not of a light nature Besides, he has himself undertaken to institute inquiries with a view to

*"In Schedule I to the Bill the proposed amendment No. 5 be omitted and the subsequent amendments be renumbered accordingly"

reducing expenditure He has appointed an officer to survey the expenditure of all departments and to submit a report as early as possible The question of Military expenditure is also to be considered further. If, we do not vote the duty on silver, which the Honourable Member asks us to agree to we shall leave him with an uncovered deficit of 30 lakhs. If the economies that are going to be made are to be of a substantial character, if we are to expect anything substantial from the retrenchment proposed by the Government of India, it cannot be contended that a sum of 30 lakhs is too much to be covered by reductions in expenditure that might be brought about as a result of the inquiries that have been already undertaken by the Government of India, or that might be undertaken in future I contend, Sir, therefore, that on strictly financial grounds it is unnecessary for us to support the duty on silver On the contrary I think, Sir, that if this House rejects the duty and leaves the Honourable the Finance Member with a small deficit, he will perhaps be in a position to apply the screw more tightly to the departments concerned and be able to induce them more readily, than would otherwise have been the case, to agree to reductions in expenditure Both, therefore on financial grounds and as a matter of policy, I entirely approve of the course which my Honourable friend, Mr Fazal Ibrahim Rahmtulla, asks this House to adopt

But Sir this matter does not end here The question of the imposition of a duty on silver was considered sometime ago in connection with the adoption of a gold standard in India It was thought that the sale of silver in India would lead to a reduction in its price, and that the Government of India might well, in those circumstances, take some action to protect itself Sir Basil Blackett proposed a duty of 4 annas per ounce in order to provide Government with a protected market and to reduce the cost of going over to the gold standard This, by the way, drew from Mr Kisch the remark that the idea that a new tax could reduce the cost of a measure was rather odd The matter, Sir, was considered by the Currency Commission presided over by Sir Hilton Young The question was then considered entirely in relation to the adoption of a gold standard, and I think it would be pertinent in this connection to point out the evidence given by Sir Arthur McWatters who was Financial Secretary then and who is Financial Secretary today also, on this point Asked whether he would be in favour of the imposition of a duty on silver, he said

"I think it would be justified if the policy accepted is that we should work towards a Gold Standard Then and only then would it be desirable to introduce anything in the nature of a duty on silver which was deliberately abandoned as a result of the recommendations of the last Currency Committee"

i e , the Committee of 1919 Now, the Honourable the Finance Member does not ask us to treat the measure proposed by him in relation to the currency policy of the Government of India, he asks us to treat it as a revenue measure, and partly also in connection with the position of the Government of India as important holders of silver I think, Sir, that in view of the consideration given to this matter by the Currency Committee and the evidence given by the Government of India's own Financial Secretary, some more explanation is needed to justify the silver duty than has so far been given by my Honourable friend the Finance

[Pandit Hirday Nath Kunzru]

Member If the policy of working for the adoption of a gold standard were accepted, then the aspect of affairs would be entirely changed, but if that is not accepted, I contend Sir that we should have much stronger arguments placed before us than have been placed before us so far as by the Honourable the Finance Member to induce us to agree to the measure before the House

Sir, if I were to stop here, the supporters of the silver duty, including my Honourable friend the Finance Member, might say, "You are standing in the way of the Government of India rendering financial assistance to the Provincial Governments for the development of the nation-building services" "We regard this duty" said the Honourable Member in his budget speech, "principally in fact as a measure which will give us a margin of revenue from which we shall be able to make a distribution to provinces, after the forthcoming statutory revision to give them the funds which they require for nation-building services" It must be, Sir, a source of gratification to the House that the Honourable the Finance Member is already thinking of large questions of policy, and desires to place the provinces in a position where they will be able to discharge their responsibility to the masses who are committed to their charges But, Sir, during the whole of this Session, whenever any important questions either of policy or of finance were brought to the notice of my Honourable friend opposite, his invariable reply was that the settlement of those questions must await the settlement of the constitutional question. What is the reason, then, may I ask which compels the Honourable the Finance Member to bring forward this important question of policy apart from the settlement of the constitutional question? My Honourable friend will admit that this is not a small matter The question of increasing the resources of the Provincial Governments and of a proper distribution of the revenues of the country between the Central and the Provincial Governments is undoubtedly a matter of the supremest importance, but if the Government of India have asked us to wait so far for the publication of the results of inquiries instituted by them against the wishes of the country at large, may we not ask them to wait a little more before committing us to the course advocated by the Honourable the Finance Member? Let us look at the question of reforms and the settlement of the position of Provincial Governments relatively to the Government of India, as a whole The duty, if imposed now, would I think, have to be permanent unless the buyers of silver are hereafter to be placed at a considerable disadvantage I think it is necessary, Sir, in a question of this magnitude, that we should wait and examine carefully what alternative methods there are of satisfying the needs of the provinces and adjusting their relations to the Government of India In any case there is no reason why we should hurry forward I think therefore, Sir, that no harm will be done and that much good may result if we postpone the consideration of this question, reject the duty at this stage and deal with the distribution of the financial resources of the country between Provincial and Central Governments at a later stage when we would have much more material available to us than we have at the present time

But what I have said, Sir, does not cover the whole of the case placed before us by my Honourable friend the Finance Member His last argument in favour of the silver duty proposed by him was that in view

of the falling price of silver, the action suggested by the Government of India would protect the interests of the masses which have been insistently advocated in this House by Honourable Members on this side. But, Sir, what does the Honourable the Finance Member mean? I am sure he does not mean that the imposition of a duty on silver would stabilise its price I do not think that has been claimed by any advocate of the silver duty Many Honourable Members on this side have pointed out that no action taken by the Government of India in this country alone can affect the world price of silver, and that, ultimately, the price of silver in this country would be regulated by the price of silver in the internal market It may therefore be expected to fluctuate in future as it has done in the past The only difference that the duty would make in the case of India would be that the price of silver would be higher here by the extent of the duty proposed by the Government, but if the price of silver is not stabilised and it goes on following the course pursued by silver in the world market, the duty does not protect the buyers of silver at any particular period of time, they stand to suffer losses in future as they have done in the past True, they will realise a little higher price than they might otherwise have done, but it is necessary to point out that they would also have paid a higher price than they would otherwise have done as buyers of silver We have still, however, to consider the question of those who have invested their savings in silver Sir, when this question was before the old Imperial Legislative Council in 1910, Mr Gokhale pointed out that while the efficacy of the protection which the Government of India professed to afford to the masses would have to be tested in future, the immediate result of the imposition of a duty would be to increase its price and that was the consideration urged upon Government by more than one non-official Member I am free to recognise that the situation has changed since then in some important respects which have been pointed out by my Honourable friend the Finance Member in his budget speech, but the matter is of much greater importance than what I have said hitherto might lead Honourable Members to suppose This too was a question which was considered by the Hilton Young Currency Commission It examined the late Mr Benjamin Strong, Governor of the Federal Reserve Bank of the United States on this point I will read out to the House the reply given by Mr Strong to a question put to him by the Commission "The attempt to raise the domestic price", he said, "by the imposition of an import duty I personally believe, would fail Even if it did really maintain the domestic price, it would fail at a time of some adversity when a surplus of silver was offered, and then in fact the hardship upon the Indian people would be the greatest But assuming, for the purposes of argument, that it helps to maintain the domestic price above the foreign price, it would put the Government of India in a position of ensuring a price of silver for all time" It may be, Sir, that in time of ordinary and local scarcity, the masses will be able to realise a better price for their silver than they would otherwise have done, but when adverse conditions prevail generally, when there is a country-wide famine or some other general calamity forcing the masses to sell their silver all over the country, I think the fear may be legitimately entertained that the measure proposed by Government will fail to protect the interests of the masses and that the price of silver within the country will fall to the level prevailing outside in spite of the duty

[Pandit Hirday Nath Kunzru]

I know, that Mr Benjamin Strong was against the adoption of a gold standard in India and that we have therefore to take his views with a certain amount of reserve Nevertheless, it seems to me that the line of reasoning adopted by him was a sound one The policy of the Government may fail on a crucial occasion just when the need for safeguarding the interests of the masses is greatest

12 NOON

Sir, I have already told the House that the main reason why I oppose the silver duty is a financial one and one of policy I do not base my entire case on the grounds I subsequently put forward, but I do think that the arguments which I advanced subsequently will strengthen the original unwillingness of the House to vote in favour of the silver duty Sir, I oppose the duty and support my friend Mr Fazal Ibrahim Rahimtulla's motion

The Honourable Sir Georgre Schuster (Finance Member) Sir, before you allow this discussion to proceed, I wish to call the attention of the House to a point of order, or rather a technical point, to which I must confess that my own attention has just been called The effect, Sir, of this amendment as it stands,—because this particular item in the Schedule which we are discussing has to be considered together with items 1 and 2 of the Schedule,—would be not to cut out the duty on silver altogether but to leave the *ad valorem* duty of 15 per cent on silver The effect of items 1 and 2 in the Schedule is to remove silver from the free list and put it on to the general 15 per cent list, and I think that point must have escaped the attention of my Honourable friends opposite, just as, I must confess, it had escaped my own I do not wish, Sir, to take any advantage of this technical point in preventing discussion of this proposal on its merits because, I think, the House wishes to discuss the question as to whether the silver duty is to be removed altogether, and I think it would be taking an unfair advantage if I were to stand on the technical difficulty, and ask the House merely to consider the substitution of a 15 per cent *ad valorem* duty for the present duty of 4 annas an ounce But I think I ought to put the point before you, because these formalities are of importance and it will be necessary to deal with the matter in some way or other if this amendment is to have the effect which, I believe, the Mover of the amendment intended it to have

Mr. R. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot Non-Muhammadan Rural) Sir, with reference to the point of order raised by the Honourable the Finance Member, I would like to submit this, that we are now considering the whole of Schedule I and the House has not yet passed any individual item in that Schedule So if this amendment of my friend Mr Fazal Ibrahim Rahimtulla is carried, then the logical sequence of that would be to make the consequential amendments in the other sections of Schedule I, and therefore I do not think that that will stand in the way of the House giving a verdict on the amendment of my friend Mr Fazal Ibrahim Rahimtulla

The Honourable Sir George Schuster: It is quite possible, Sir, that my friend Mr Chetty's suggestion would be the simplest way of dealing with the matter But I should like a little more time to consider it myself, because in these technical matters one wants to consider all the

implications As I said before, I do not want in any way to prevent discussion of this amendment, and I think, if you, Sir, were to give a ruling that some method must be found of regularising the position if this amendment should be passed, that would probably be the best way of dealing with the situation at the moment I merely wanted to let you know, Sir, that this point is not covered by the amendment as it stands, and I leave it to you to decide what is the best way of regularising this apparent irregularity

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber Indian Commerce) It strikes me, Sir, that no ruling is necessary at this stage If this amendment of my friend is passed, the consequential amendment, to my mind, would be the omission of items 1 and 2 in Schedule I

Mr. President: We have already passed over items 1 and 2

Sir Purshotamdas Thakurdas: No, Sir, you have not put them from the Chair We came to consider Schedule I, and only amendments have so far been taken

Mr President Amendments to items 1 and 2 cannot be made now, because we have already gone beyond that

Sir Purshotamdas Thakurdas: Sir, there are no amendments to 1 and 2 But there is another way out of the difficulty When the Chair puts the whole Schedule to the vote, the Chair may be pleased to put each item to the vote I expect the Honourable the Finance Member will agree that there is no question of ruling on this point, but it is good of him to have drawn the attention of the House to the point

Mr. President: I suppose some way will have to be found out What is the object of the present amendment? The object is

Mr. Fazal Ibrahim Rahimtulla (Bombay Central Division Muhammadan Rural) The object is to delete the present duty proposed by Government

Mr. President: If the amendment is carried, the effect of it will be to delete the duty on silver

Mr. Fazal Ibrahim Rahimtulla: Yes, Sir, the new duty proposed

Mr. President: This can be so, if items 1 and 2 are also deleted.

Mr. Fazal Ibrahim Rahimtulla: If my amendment is carried, then the deletion of items 1 and 2 will be necessary

The Honourable Sir George Schuster: I might explain my point by saying that, as matters stand, the deletion of items 1 and 2 could not be regarded as strictly "consequential" on the passing of this amendment, but I am quite prepared to say, Sir, that I would accept the view of the situation, that if this amendment is passed the deletion of those two items shall be regarded as a consequential amendment. I leave it to you, Sir, to deal with the matter in whatever way you think best In my own view, however, the course which I have just indicated would be better than that each item of the Schedule should be put separately, because after

[Sir George Schuster]

all we shall have considered all the items in the course of dealing with the various amendments But, as I said, I leave this question to decide in whatever way you think proper

Sir Purshotamdas Thakurdas: Sir, I propose to speak on this question not from the point of view that my friend Pandit Kunzru has dealt with, because I have already expressed my views on that aspect of the subject I would like, Sir, to concentrate on the question whether it is desirable to impose this import duty on silver, and whether that import duty is likely to serve the one object which I take it is the object of this side of the House, namely, to prevent the deterioration and further depreciation of silver holdings of the masses of India

Mr. President: I think I must say a few words on the question raised by the Honourable the Finance Member I will allow discussion on this amendment to proceed on the basis that the acceptance of this amendment by the House would mean the deletion of the extra duty on silver proposed to be imposed by the Bill, and I will allow at the third reading consequential amendments to be made as a result of the acceptance of this particular amendment In that case it will not be open to Government to oppose those consequential amendments

Sir Purshotamdas Thakurdas: I was saying, Sir, that the chief justification for the import duty, according to Members on this side of the House, is whether it will prevent further depreciation of the silver holding of the masses In the short notice question which I put earlier in the Session, the Honourable the Finance Member agreed to consider this at a private conference between the Honourable the Leader of the Opposition and myself on one side and himself on the other At these meetings which we had—they were at least two—the question was fully discussed, and I believe the Honourable the Finance Member got into touch with the main markets to find out whether it was possible to arrange for a conference between the representatives of the main producing countries or interests and the Government of India, with a view to devise a method of marketing silver for the next few years in a manner which would prevent further slump in silver prices From what the Honourable the Finance Member has said in his budget speech, it must be clear to the House that he does not believe that much good can come out of any such negotiations He has said that, if there is any inclination towards any such arrangement, the Government of India are prepared to assist, but I do not think that he gives us much hope of such action being fruitful I myself feel that, under the peculiar circumstances in which India is at present, and the peculiar way in which the masses of India are placed, it would have been much more useful to all, including the Government of India, if such a conference as I indicated earlier in the Session, were feasible and could have been brought about But I think today we have to proceed on the assumption, which the Finance Member has made, that it is not feasible to expect much from such a conference even if it can be arranged I am afraid I am not in a position to indicate to him, at any rate today, how such a conference can be arranged and I propose therefore to take it for granted today, and, for the purpose of

the consideration of the Finance Bill, that perhaps nothing useful will be achieved by a conference of this nature, even if it can be convened

This leads me then to the second point which I mentioned, and, before I deal with that, I wish to ask the Finance Member one question in connection with an important detail of this taxation The taxation as it is sought to be imposed now, I must admit, is a more complete and more thorough going and self-contained measure than it was when it was imposed in 1911-12 The Honourable Member proposes to include, for the purpose of this taxation, an excise duty on the silver production of Burma He proposes further to exclude silver which is used as raw material in the manufacture of gold and silver thread, by increasing the import duty on these articles from 30 to 38 per cent These two measures, which he has agreed to, make this silver duty less objectionable than it was in 1911-12 He further proposes not to disturb India as a market for distribution of silver, by providing for refund of the import duty on silver which is re-exported from India This also removes an objection which was very strongly urged in 1911-12 The question which I wish to ask the Finance Member is how he proposes to deal with imports of silver from across the border by land, and how he proposes to deal with exports of silver from India across that same border to say, Afghanistan and other countries in the north I hope that he will see that, with an incidence of more than 20 per cent , as this duty will mean, it may mean serious smuggling from that frontier if nothing clear is provided by law in this connection I wonder whether the Honourable the Finance Member wishes to reply to me now, by interruption, or prefers to deal with this when he gets up to speak on this motion But I wish to indicate to him that it is necessary for him to tell us how this particular aspect would be dealt with if this silver duty was approved of by this House

Now, Sir, the main aspect therefore how this silver duty will affect the masses of India Government say that it is now quite clear that silver can no longer be looked upon as a precious metal One of the strongest objections to the import duty on silver in 1911-12 was that the Government were levying a duty on one of the two precious metals of the world, gold and silver From that exalted position this metal—silver—has, according to Government now been completely dislodged. It has been dislodged in the sense that countries which can help it are giving up silver as a precious metal for their currency purposes and are going on to gold. In India although we have the silver rupee, for all practical purposes, the Government of India appear to have reconciled themselves to this, that silver must now be looked upon not as a precious metal but as a commodity In fact, I understand that they would like the masses of India to look upon silver as they look upon, shall, we say, brass, copper, tin or any other baser metal If that is so, I think that there may be some justification for this import duty As coming from the Government, this measure is a sure indication to the masses that silver no longer holds the field with gold as a precious metal One may, on that ground, agree to an import duty on silver if one feels confident that the masses are in a position to realise the significance of this import duty and take to something else I would like to quote here the words of no less an authority than Sir Malcolm Hailey about whose happiness of expression of views very few have any doubt Sir, Sir Malcolm Hailey speaking on a motion in March 1921 when it was sought to reimpose the silver duty

[Sir Purshotamdas Thakurdas]

which he on behalf of the Government objected to said the following I am reading from the Proceedings of 19th March 1921, page 1335 He said

"We were then told, as Dr Gour has told us again just now, that we were taxing the savings of the poor man It has, it is true long been a charge against India, a charge certainly levied against India by Europeans from the 17th century onwards, that it is a pit for the precious metals A long succession of economists has deplored the Indian habit of hoarding the precious metals As a matter of pure economics they were undoubtedly correct, but the circumstances of India require that we should apply some qualification to this condemnation If metal is hoarded, it does not necessarily follow that the metal so hoarded is a luxury I will admit that for the European silver is a luxury, for the richer Indian, except in so far as he seeks to meet the absolute necessities of ceremonial occasions, silver is a luxury, but is it a luxury for the poor man? He has no banking facilities, he is not sufficiently educated to have acquired the Savings Bank habit, and until he improves sufficiently by education to appreciate the investment habit or until we can provide him with the necessary banking facilities, silver and gold are practically his only means of banking To that extent at all events silver is not really a luxury and I would deprecate any attempt to decide the immediate issue before us—a tariff issue—on the supposition that we are taxing a luxury pure and simple"

Sir, these words of Sir Malcolm Hailey put forward the real reason for the hesitation of many on this side of the House regarding the advisability of reimposing this silver duty I readily recognise that the Honourable the Finance Member has initiated measures which are likely to insure substantial efforts in the direction of securing to the people and the masses facilities as early as circumstances will permit to enable them to bank their savings But, Sir, those facilities cannot possibly come into operation within the next year, or even two years The question, therefore, that strikes one is, if silver is to be taxed in order to impress on the people that it is no longer a precious metal which the people can rely upon for stability, what are the people of India to turn to? The obvious reply to my mind, Sir, can only be one, namely, gold Gold is the one metal which the people can safely rely upon where their savings will not depreciate If, Sir, the savings of the vast masses of India were in such figures as to justify their purchase of a metal which sells at round about Rs 22 per tola against silver which today is less than eight annas per tola, one may say, let us ensure wide publicity and dissuade the masses from using silver as a metal in which to keep their savings But the difference, Sir, between eight annas a tola, or less than eight annas a tola, and Rs 22 a tola is rather great, the customs and habits of the masses and of the womenfolk are such that they cannot change their usages lightly I therefore feel that the duty which is sought to be imposed upon silver, whilst it may artificially appreciate the price of silver in India, is not likely to lead to the results which the Honourable the Finance Member expects, namely, divert the attention of the people from silver as a means of keeping their savings I am therefore afraid that it cannot be gainsaid that this is a tax on the savings of the masses of India If the Honourable the Finance Member can give us any indication as to how he proposes to provide an effective substitute for the masses in which they can keep their savings in preference to silver, one may concede that this duty has some justification But those, who have been thinking over this problem for months now, have not been able to find any such effective substitute, and I, therefore, feel that, as far as the next year, or two years, is concerned, this is sure to be a tax on the savings of the masses of India For these

reasons, my electorate, the Indian Merchants' Chamber, have come to the conclusion that it is not desirable to agree to this import duty on silver and I support this amendment

***Mr. R. K. Shanmukham Chetty:** Sir, the temporary reason which has induced the Honourable the Finance Member to reimpose the duty of four annas per ounce on silver is, as he himself pointed out in his budget speech, to improve our credit by displaying a strong financial position in the world That is his temporary object, but incidentally he says he will appreciate the savings of the masses in silver and also give a protected market to the Government of India itself to hold large quantities of silver Well, Sir, if the object of the Honourable the Finance Member is to show a surplus in the current year's Budget and thereby improve our credit, then I would submit that he has turned his attention to a very unfortunate duty indeed I share with my Honourable friend Sir Purshotamdas Thakurdas that in opposing this duty, I do so with some feelings of hesitation There certainly is the argument that this duty will appreciate the hoarding of the masses in silver but the arguments, that have been advanced, and there are not many arguments against it, in the course of the debate, are so strong that it must make the Honourable the Finance Member and this House consider this matter more deeply before agreeing to the imposition of this duty Sir, the Honourable the Finance Member wants that the masses of India should realise that silver is no more a precious metal This process of the realisation on the part of the masses of India in this direction will be accentuated if the Government of India will first realise that silver is not a precious metal and the proof of that realisation would be for them not to rely upon silver bullion as a covering for the paper currency reserve but to replace it entirely with gold (Hear, hear) So long as Government have got 100 crores of silver rupees in the Paper Currency Reserve and would want us to believe that, in estimating the adequacy of the Paper Currency Reserve, we must take into consideration the silver bullion also, so long as that is the point of view of the Government, it is no wonder that the masses of India should still cling to the belief that silver is a precious metal and a metal in which the savings can be invested Sir, this question of the imposition of silver duty, as I pointed out in my budget speech is mixed up with the question of gold standard, of replacing the silver bullion in the Paper Currency Reserve by gold and I think that this is not the proper occasion when, just to enable the Honourable the Finance Member to strengthen his position by showing a surplus in his Budget, we must be stampeded into giving our consent to the imposition of this silver duty. My Honourable friend says in his budget speech that the proceeds of this duty will be utilised by him to finance the provinces in their undertakings in the nation-building departments The object is certainly a very laudable one, but in executing that object, he would find that he is faced with very many difficulties Sir, to my mind the responsibility of the Government of India in finding money for the Provincial Governments is of a more complicated nature than what one would imagine at the first instance It is not enough if the Government of India find new sources of taxation and undertake to distribute the proceeds of those taxes to the Provincial Governments We will be driven back once again to the very unwholesome practice that prevailed in the past of meeting out doles to the provinces, and the moment you have got in the coffers of the Government of India surplus money and consider schemes of distributing these to the provinces, you are faced with the various claims of the provinces, and the invariable

*Speech not revised by the Honourable Member.

[Mr R K Shanmukham Chetty]

result is that every province complains that it has been treated unfairly The right way of enabling the provinces to find money for spending on the nation-building departments is to transfer to the provinces flexible sources of revenue, which will enable them to raise money, and not for the Government of India to set apart the proceeds of its taxation to be distributed amongst the provinces This problem, since it is so complicated, is one which ought to be considered apart from the mere question of balancing the Budget The Honourable the Finance Member in his speech to the Federation of Indian Chambers of Commerce, said

"This is one of the questions on which I feel that I must pay attention and give weight to strong expressions of opinion from commerce and industry in India"

I hope he will act up to what he said to the Federation and give up this proposal of an imposition of duty on silver

The Honourable Sir George Schuster: Sir, although the speeches on this measure have been few, the arguments advanced have been of a concentrated and closely reasoned nature, and perhaps require some more time than usual for reply I will deal with the arguments of the three speakers who have given us their views this morning My Honourable friend Pandit Kunzru based his principal objection I think on the fact that we do not require this revenue on financial grounds He would rather leave us with a deficit of 30 lakhs and force us to search for economies than give us anything that looks like providing a surplus With that general argument I shall hope to deal later But I would like to make the position clear at the outset Although on the estimates, as I have put them before the House, I do show a surplus of 70 lakhs, I feel that I am in the position of one who is asking for some sort of an insurance fund which is very definitely needed It is not a surplus in the sense that it is surplus to our requirements We are facing a period of uncertainty and if Honourable Members will go through in detail our basic estimates of revenue before we come to the additions which the new taxation will give us, I think they will find a number of items on which they might well criticise me as having inserted too optimistic a figure It is quite true that it might be argued that the yield of the extra taxes which I have estimated for is estimated on a conservative basis But the position which I want to emphasise to this House with all the seriousness at my command is that, taking the Budget as a whole, the estimates are not under the mark, and that to face such a year as we are now facing with a possible surplus of only 70 lakhs is not asking this House to provide us with more money than is really required to deal with the existing situation I will revert to that argument again, because I wish to make clear to the House what I have in mind for the application of the surplus, if by good fortune we should realise it But the point that I must insist on is that it is the actual needs of the situation and not these possibilities of the future which furnish the real justification for my demand for this additional revenue

Then, Sir, my Honourable friend also referred to the evidence of Sir Arthur McWatters, given ten years ago, and tried to link up my present proposal with arguments concerned with the adoption of a gold standard To some extent that position has been met by what fell from the next speaker, Sir Purshotamdas Thakurdas I think he recognises that we are dealing now with a different situation, We are not considering this proposal in any sort of relation to proposals for the establishment of a gold standard Times are changing and the importance of silver as a medium

of currency is steadily diminishing That is a movement which is going on all over the world, and in our present proposals we are, I think, facing the realities of the situation I fully admit that we are definitely treating silver as an ordinary commodity, and I ask the House to accept it that that is really the right way in which to regard silver For that reason I need not, I think, deal more fully with that particular line of argument and I do not intend either to go fully into answering what my Honourable friend quoted from the evidence of Mr Benjamin Strong We are not attempting now permanently to maintain the internal value of silver at any particular level The effect of our measure in this respect can only be a moderate one But it certainly does have the effect of improving the internal value of silver as compared with its world value, and that effect is already fully evident in the actual Bombay quotations I recognise that that only goes a small way to meet the needs of the case if we are considering the desirability of maintaining the value of the investments of the great masses of the people But because it only goes a small way, I do not think that, on that ground, we should reject it I agree with Mr Benjamin Strong that if we attempted to go further than that, we should probably fail, and therefore we have contented ourselves with quite a moderate measure

Now, Sir, turning to what was said by my Honourable friend Sir Purshotamdas Thakurdas, he indicated that he might have been able to support this measure and he could have found justification for supporting it, if it could be represented as something that was going to prevent deterioration in the value of the hoardings of the masses I ask him at least to recognise that it has some effect in that direction

Sir Purshotamdas Thakurdas: Very temporary, at the best

The Honourable Sir George Schuster: Well, Sir, whether it is temporary or not in regard to the world situation is a question which none of us can answer, but it must have a permanent effect as regards the relative values of silver in India and silver outside My Honourable friend referrod also to other measures which might have an effect on the value of silver, such as a combination between the producing interests As he knows, I was fully desirous of following up that particular suggestion, and we have thrown out an invitation to the world that we would be ready to co-operate in any arrangement for regulating sales of silver But I agree with my Honourable friend that, in the circumstances, I should be deceiving the House if I represented that I thought that such an arrangement can be, or is likely to be, very effective In saying this, however, I do not mean that we will not continue to pursue this idea and to do all that we can in that particular direction

My Honourable friend asked me a particular question as regards imports by land I can only tell him at the present moment that that is having our full consideration I recognise that it is going to be a difficulty Then, Sir,

Sir Purshotamdas Thakurdas: Do I take it that this measure is to be put through without dealing with that aspect of it?

The Honourable Sir George Schuster: I do not exactly know what my Honourable friend means by "without dealing with that aspect of it". We shall have to take, of course, measures for prevention of smuggling on all frontiers and those measures have our consideration I do not know what, therefore, I can say further

Sir Purshotamdas Thakurdas. What I want to know is whether there is a customs barrier at all on that side of the country and if so, whether this duty will be collected on that land barrier

The Honourable Sir George Schuster: If it is found—and it will be our business to ascertain whether imports on a large scale come across any land frontier—if it is found that they are coming across on a large scale, obviously we shall have to deal with the matter

Sir Purshotamdas Thakurdas: Do I then take it that Government wish to carry this measure through, if they can, without anticipating that? With a 20 per cent duty, are Government likely to prevent effectively imports from the other side?

The Honourable Sir George Schuster: I have to point out that we have not yet carried this measure through We are considering the matter and I can promise him that it will be dealt with in a business-like way

Sir Purshotamdas Thakurdas: By executive order of the Government?

The Honourable Sir George Schuster: I do not think I am called upon to say any more than what I have already stated I promise my friend to consider this matter It is a matter which on each frontier involves different considerations, and I should have to go into a great deal of detail I think it sufficient if I say that the matter has our attention and I think we can promise to deal effectively with it if it becomes an abuse on a large scale.

Sir, my Honourable friend concluded by referring to the arguments used by Sir Malcolm Hailey in 1921 I was prepared to have those arguments brought up against me But I would say—and I think the speaker himself recognised the fact—that we are living in changed times and that we are now dealing with a situation which is quite different from that which existed in 1921 It has been represented, and Sir Malcolm Hailey was quoted in support of this view, it has been represented that this tax is a tax on the savings of the people, of the poor man I have looked upon it from quite a different angle I have looked upon it, so far as it affects the savings of the poor man, as a measure which will tend to improve the value of the existing savings, and if it is a tax at all, it is a tax which imposes possibly some sort of obstacle on the poor man investing more money in silver It is not a tax on his existing savings It has exactly the opposite effect to that It definitely improves the value of those existing savings Now, my Honourable friend said that it is useless for us to attempt to divert the attention of the poor from putting their money into silver until we have some other form of investments to put before them I think, if we were to wait until every measure was perfected, it would be very difficult to proceed at all. What I feel on this particular aspect of the subject is that, taking a long view, it is desirable that there should be a gradual diversion of the savings of the masses from the so-called precious metals, a diversion of those savings into productive employment That would be to the advantage not only of the poor themselves but also to the country as a whole This measure may give a push in that direction, and I do not claim that it can be very much more than that On the other side I would point out that opportunities are available already for the investment of such savings in Post Office Cash Certificates Those have already found a hold Opportunities are also available for depositing money in co-operative societies which are steadily developing Both these outlets for savings are capable of much

greater development and I was pleased myself to hear one particular suggestion which was made in the course of the general discussion of the Budget, that we should offer a Post Office Cash Certificate of a smaller denomination than at present, so that there will be something more easily obtainable by the very poor man I think there is a great deal than can be done in that direction, and, considering the steps that have been taken as regards banking inquiry and all the other steps which we have under consideration, I am sure my Honourable friend will not accuse me of being dilatory in this particular direction

Sir, my Honourable friend, Mr Chetty, presented my case in a different way He said that my primary object was to raise a margin of revenue in order to improve the credit of the country and that the provision of a protected market for the sale of our own silver and the improvement of the value of the holdings of the masses were subsidiary objects I do not much care in which order these particular objects are placed But perhaps I am prepared to accept my Honourable friend's appreciation of the situation I am in some difficulty in answering all the arguments because there are so many advantages that are present to my mind in this proposal It is of course clear that, if on the one side I say it is going to give me a surplus for new objects, then on the other side I may be accused of asking for more money than I actually want I hope I have made my position clear in that respect But before I close, I want to say something about those further objects I have also gained the impression that a certain amount of the opposition to this measure is based not so much on the measure itself, but because our critics would desire to see the Government taking some other form of action for maintaining the value of silver, and not only that, but also because they object to what has already been done as regards the sale of silver Now, as regards other measures for maintaining the value of silver, what is present in everybody's mind is that the Government themselves should cease from selling silver That is a matter on which, in that speech which my Honourable friend, Mr Chetty, quoted, I said I would be prepared to give full weight to representative unofficial opinion in the country, but I would ask Honourable Members to realise that there are two sides to the question Indeed I find the position of public opinion on this matter rather a curious one Here we are in India possessing one of the largest consuming markets for silver, and here is the Government of India unfortunately in possession of a great deal of silver surplus to its requirements Now we have heard many arguments about India being self-supporting in other matters,—salt, for example, and industry of all kinds Is it a very extraordinary proposition, is it a proposition which justifies accusations almost of "robbery", that the Government should try to put itself in the position of satisfying, out of its own surplus holdings, India's own demand for silver? I should have thought, in ordinary circumstances, that that was a measure which would have commended itself to practically everybody in this House After all the Government do not represent interests distinct from, and hostile to, the people, Government represent the public interest (*A voice* "Question") We have this silver to dispose of; the people of India want silver, is it unreasonable that we should try to put ourselves in the position of directly satisfying those needs? And I want to point this out to those who object to our present proposal as diverting us from the policy which they want us to pursue Undoubtedly the effect of providing ourselves with our own protected market—and we accept this—will be to provide a special reason for us to make our own sales in India to the direct advantage of the Indian market

[Sir George Schuster]

Now, to turn to the actual facts of the situation, I have already given the House figures to show what has been the result of our sales hitherto. We have sold—I will repeat the figures because I think it is so important that they should be understood—we have sold, in the last three and a half years, 67 million ounces of silver at an average price of just over 25½*d* an ounce Silver today in the world stands at just over 19*d* The lowest price at which we ever sold silver is about 22½*d* We have not therefore been responsible at all for the recent fall We have sold no refined silver at all in the market since 13th December During these 3½ years, we have disposed of silver which was obviously surplus to Government's requirements, because we still hold, as my Honourable friend Mr Chetty himself has said, far more silver in our Paper Currency Reserve than we ought to hold We have sold the surplus silver at a price which is more than 6*d* an ounce hither than what we could realise for it today It is said that we ourselves have been responsible very largely for that fall in price But I maintain that our sales have been conducted with great discretion, and that we have not been responsible for that fall I admit that India has been an important factor in the market, we could not help being an important factor in the market because it is within the knowledge of everyone that we do hold large stocks, and that rupees are steadily coming back from circulation to Government treasuries That knowledge must have been a "bear" factor in the world's silver market We cannot do anything to help it, it is a world tendency that is going on, and whether we had sold or not, our position would undoubtedly have tended to depress silver prices in the world Well, if that is the case, and if, by anticipating what has happened, we have realised for the public benefit on a matter of 67 million ounces a profit, a price higher by 6*d* an ounce, than what we could realise today, I think we can at least claim that that policy has been in the interests of the country But I am told that that policy would be acceptable to this House if Government had used the proceeds for building up its gold reserves or its reserves in gold securities We are told, "Instead of that, you simply use all this money for satisfying the Secretary of State" Obviously that is what has happened The money has been converted into gold securities and has, shortly after that, been realised, and used for meeting commitments in London But I think Honourable Members should go a bit further and consider what really has been the effect of that It has not gone in meeting current expenditure at all If Honourable Members recollect what I said in my budget speech last year, in reviewing the ways and means, position of the Government, I pointed out that, in the five years from 1923 to 1928, the Government of India had met, in capital expenditure in London, a total sum of £86½ million more than the net increase in its sterling debt We have been all the time in the last few years incurring capital expenditure in London without corresponding borrowings against it, and I made it clear to the House that that process could not go on We have been living on reserves, and that is where the proceeds of these silver sales have gone If you follow out the position and go into those figures to which my Honourable friend Mr Birla referred in his speech on another matter, if you trace how the holdings in sterling securities in the Paper Currency Reserve have decreased, you will find that that decrease has been far more than balanced by genuine productive capital expenditure undertaken in sterling. It has not been merely a matter of bolstering up exchange The Government in fact—you may put

expecting from its ordinary remittances to cover not only its recurrent expenditure, but also its capital expenditure, its new capital expenditure in London By making that demand, it has been necessary to draw upon the Paper Currency Reserve I am not saying that that is altogether a desirable result It is not, because the Paper Currency Reserve is there for a certain purpose, and I, in justification of sterling borrowing, have always said that, when we incur capital expenditure abroad, we ought to increase our own capital to meet it But still, if you are considering what has happened to India, and whether the position has been weakened or not, it is necessary to bear these facts in mind, and I might express the result simply in this way, that the £7 million odd, which has been realised by sales of silver, has ceased to be unproductive surplus silver lying in the treasuries of the Government of India, and has become locomotives, rails and railways, producing interest and materially improving the economic position of the country That is the result, and there has been no weakening of India's position as the result of these transactions. On the contrary the economic position of the country has been strengthened, though I admit that the currency reserves have been weakened.

Now, Sir, I am asked to give some undertaking as to Government's future policy in regard to silver There is nothing that I should like better than to give such an undertaking, because I am always anxious to meet the views of Honourable Members opposite But I must consider my public responsibilities as well, and as we stand in possession of surplus stocks of silver I must recognise the fact that there may be times when, in the public interest, we ought to take steps to realise them My Honourable friend Mr Chetty himself has said so, he has accused us of keeping a hundred crores of silver coin in our Paper Currency Reserve, and he would like to see them converted into gold But how can you convert them into gold without selling silver, and how can you do that without incurring the charge of, at least, contributing to the depression of the world price of silver? I am at a loss to understand how I could, consistently with my obligations and responsibilities for the finances of the country, give any permanent refusal to sell silver But, it may be said, "Government might do something short of that, let them say that they will not sell silver when it stands below 22*d* an ounce or some figure of that kind". That at present might seem a reasonable request; but we must face the realities of the situation, and if the permanent level of price of silver settles down at something much lower than 22*d* , must we keep out of the market for all time for that reason? I think it would be very dangerous for me to give any undertaking of that kind I am fully prepared to discuss this matter with any representative body in the country, and I should be very glad to have a conference on it and to go into all the aspects of the situation That indeed is necessary before I could give any undertaking, and I think it is also necessary in order that there may be an understanding on the other side of the realities of the situation In the meanwhile, I do think that I may, with some confidence, point to the past record of the Government We have conducted, as I have said already, our sales with discretion, and when the market became weak, we stopped selling at once We have sold nothing below a price of 22½*d* , and silver today in the world stands at just over 19*d*. and as I have said, we have sold no silver at all in the market since the 18th of December. I think, Sir, that I am justified in claiming that that gives us some right to ask the public to have confidence in us as to our future policy in the matter.

1 P M

[Sir George Schuster

Now, Sir, to turn to the other aspect of the question, the general financial aspect,—the statement of the case that we are asking for more money than we really require Now, I have many arguments, and I do not want to confuse those arguments, and that is why I selected for explanation at the beginning of my speech the primary foundation of my position, namely, that we do, to deal with the present immediate situation, require some margin in reserve I made it clear that, whatever I had in mind as to the future application of the proceeds of this tax, providing there should be a surplus, that need would remain and would justify my present demand I want to make that clear, and not to confuse that ground with what I am now going to say But I do maintain that, when you go beyond that ground and consider the pledges which I have given and the purpose which I have made clear to this House there are very special grounds for supporting Government when they ask for this money We have had many points put up in the course of this debate, many demands for reduction of duties, and in answer to some of them I have already given definite undertakings We are ourselves in this present Budget proposing a reduction in the export duty on rice I want this money to make it possible for me to afford to give this reduction We are faced with the disappearance of our opium revenue That every one knows about I want a margin to be available to meet the growing need which the gradual loss of this source of revenue will create I have been asked, and the demand has been pressed very strongly, that an income tax-reform should be introduced, allowing losses incurred in trading in any one year to be carried forward to the next year I have regarded myself as definitely pledged to introduce this change as soon as I could feel certain that the Government's financial position made it possible It may mean, particularly when it is introduced at a time like the present, a very substantial loss It can only be introduced gradually, picking up one year at a time, but if it is introduced now, it may mean a very substantial loss If I am left without any margin of revenue, the prospect of such a reform must be indefinitely postponed

Then in this Budget we have already made a start, I admit it is a small start, to adopt measures for the encouragement of sugar production This start is sufficient, because no scheme is yet ready to require more money, but I fully realise that much heavier demands may come upon us in the future for the encouragement of the sugar industry Indeed only yesterday the demand was put forward that the whole of the 180 lakhs which we are getting from additional taxation ought to be reserved for measures for the improvement of sugar cultivation In that direction again advance will become quite impossible unless we have some margin

Then again there is the question of strengthening the financial position of the provinces My friend Pandit Hirday Nath Kunzru asked, why do the Government take this step when as regards every other step they say, "Let us wait until we get the Report of the Statutory Commission" I agree that is quite a good point, but I would simply remind him of the fact that, for the moment, I want this margin to meet the immediate situation, but that it is an additional argument in favour of this taxation, that we have behind us definite purposes which, I am sure, will commend themselves to this House and to everybody in the country. For we know that constitutional reforms will have very little chance of success unless more generous provision of revenue can be made for the provinces Now, I am not going to be drawn into any reply as to the constitutional difficulties of effecting

this distribution We all recognise the great difficulties that there will be in devising a scheme whereby money, which is collected through the agency of the Central Government, shall be distributed among the provinces We have got to face that It is one of the essential problems of the situation, and I think Honourable Members will find that it will have been very fully considered in the Report of the Statutory Commission and in the particular section of the Report which will contain the recommendations of Mr Layton It remains as one of the great tasks before us next year to deal with that particular question The constitutional difficulties cannot be used as a valid argument against providing ourselves with funds But apart from the needs of the provinces, I see other needs which I am sure will commend themselves to this House Honourable Members know, because I have repeated it very often, what great hopes I hold for the results from the Banking Inquiry. There is no doubt that measures which we may wish to start as a result of the Banking Inquiry and experiments which we may wish to have carried out will require money There are all sorts of needs of that kind

I think, Sir, I have said enough on that subject to satisfy Honourable Members what is my purpose in asking for a financial measure which, if things go well, will put me in possession of a surplus But then another argument is brought forward It is said, 'If you get this money before you want it, you are likely to be extravagant, you are not likely to resist demands from spending departments ' Under that heading also I regard myself as pledged as fully as I possibly can be, because we have promised to carry out this Retrenchment Inquiry I have given this House the most solemn undertaking that, pending the further examination by this Inquiry, no extravagance of any kind will be permitted, and I would ask the House to accept that undertaking "But" I may be told "all that you have told us simply amounts to promises" On such a statement, Sir, I do feel, that I am entitled to ask Honourable Members to go back over the speeches which I have made in this House, and to point out to me any single promise which I have made which I have not carried out

I have one more argument The Honourable Mr Chetty referred to my point about strengthening India's credit I do attach very great importance to that, and I hope Honourable Members may have noticed, in the past few days, a very encouraging improvement in the prices of Indian sterling securities in London According to newspaper figures, which I saw this morning—I have not verified them yet by direct telegrams—the Government of India 3½ per cents now stand at 67½ They have risen since early in March from 58 to 67½ Now, I do not claim all the credit for that It is largely due to the cheapening of money in London. But British Government securities have not risen to anything like the same extent Whereas 3½ per cent British Conversion loan has risen from 75¼ to 77½, our 3½ per cent sterling loan has apparently come up from 58 to 67½ That is a rise of 9½ points as compared with the rise of 2 points in British Securities I do believe that, to some extent, that favourable turn in our credit in London has been due to the Budget containing strong financial proposals, and I would appeal to Honourable Members to take no step now which may convey the impression abroad that we are not out to take every possible step to maintain our financial position

Beyond this, I would ask Honourable Members to read into this Budget an attempt to make a start in a constructive policy of development. I

agree that the first steps are small, but I think that in many departments the intention is very apparent and that policy cannot be carried out unless we have adequate funds. I would appeal to Honourable Members to trust my judgment in this matter and my judgment tells me this,—that this is the time to make a big move forward in strengthening our financial position If we can put ourselves on a sound basis now, we can go forward undertaking in ever-increasing measure that constructive programme which the country so badly needs If I might emulate my Honourable friend, Mr. Kelkar, and quote poetry, I would quote some very well known lines·

"There is a tide in the affairs of men
Which taken at the flood leads on to fortune,
Omitted, all the voyage of their lives
Is bound in shallows and in misery"

Now, Sir, if we restrict our resources now, I look forward to a period when all our efforts will be "bound in shallows and in misery", but if this House votes adequate funds, we shall have taken the turn of the tide, and, without any burden being felt by the country, will be able to advance to a programme of constructive work and great benefit

Mr. President: The question is

"That in Schedule I to the Bill, the proposed amendment No 5 be omitted and the subsequent amendments be renumbered accordingly"

The Assembly divided·

AYES—49.

Abdoola Haroon, Haji.
Abdul Matin Chaudhury, Maulvi.
Agnihotri, Mr K B L
Aney, Mr M S
Ayyangar, Mr K V Rangaswami.
Bhargava, Pandit Thakur Das
Birla, Mr Ghanshyam Das
Chaman Lall, Diwan
Chettiyar, Rao Bahadur P T Kumaraswami
Chetty, Mr R K Shanmukham
Das, Mr. B
Das, Pandit Nilakantha
Dutt, Mr Amar Nath
Farookhi, Mr Abdul Latif Saheb.
Gour, Sir Hari Singh
Gulab Singh, Sardar
Ismail Khan, Mr. Muhammad
Iswar Saran, Munshi
Jehangir, Sir Cowasji.
Kelkar, Mr N C.
Kidwai, Sheikh Mushir Husain
Kunzru, Pandit Hirday Nath.
Lahiri Chaudhury, Mr D K.
Lalchand Navalrai, Mr.
Malaviya, Pandit Krishna Kant.
Mitra, Mr S C
Mody, Mr H P
Munshi, Mr Jehangir K.
Murtuza Saheb Bahadur, Maulvi Sayyid
Neogy, Mr K C
Pandya, Mr Vidya Sagar
Patil, Rao Bahadur B L
Prakasam, Mr T
Purshotamdas Thakurdas, Sir
Rahimtulla, Mr Fazal Ibrahim
Rajan Bakhsh Shah, Khan Bahadur Makhdum Syed
Rang Behari Lal, Lala.
Rao, Mr G Sarvotham
Reddi, Mr T N Ramakrishna
Sarda, Rai Sahib Harbilas
Shafee Daoodi, Maulvi Mohammad.
Siddiqi, Mr Abdul Qadir
Singh, Mr. Gaya Prasad
Sinha, Kumar Ganganand
Sinha, Mr Rajivaranjan Prasad
Sitaramaraju, Mr B
Talatuley, Mr. S D.
Venkatakrishnayya Choudhri, Mr. P.
Yakub, Maulvi Muhammad

NOES—56.

Abdul Aziz, Khan Bahadur Mian.
Abdul Qaiyum, Nawab Sir Sahibzada.
Alexander, Mr W
Anwar-ul-Azim, Mr
Banarji, Mr Rajnarayan.
Baum, Mr E F
Bhuto, Mr W W Illahibakhsh
Chatterjee, The Revd J C
Cocke, Sir Hugh
Cosgrave, Mr W A
Crawford, Colonel J D
Crerar, The Honourable Sir James
Dalal, Dr R D
Dutta, Rai Bahadur S C
Ferrers, Mr V M
French, Mr J C
Ghazanfar Ali Khan, Raja.
Ghuznavi, Mr A H
Gidney, Lieut.-Colonel H A J
Gwynne, Mr C W
Hamilton, Mr K L B
Hardy, Mr G S
Heathcote, Mr L V
Howell, Mr E B
Jawahar Singh, Sardar Bahadur Sardar
Lamb, Mr W S
Lindsay, Sir Darcy
Mitchell, Mr D G
Mitra, The Honourable Sir Bhupendra Nath
Mitter, The Honourable Sir Brojendra.
Monteath, Mr J
Moore, Mr Arthur.
Mukherjee, Rai Bahadur S C
Noyce, Sir Frank
Pai, Mr A Upendra
Parsons, Mr A A. L
Rainy, The Honourable Sir George.
Rajah, Rao Bahadur M. C
Rau, Mr H Shankar
Roy, Mr. K C
Sahi, Mr Ram Prashad Narayan
Sams, Mr H A
Sarfaraz Hussain Khan, Khan Bahadur
Sarma, Mr R. S
Schuster, The Honourable Sir George
Scott, Mr J Ramsay
Shah Nawaz, Mian Mohammad
Singh, Mr Adit Prasad
Slater, Mr S H
Suhrawardy, Dr A
Sykes, Mr E F
Tin Tut, Mr
Yamin Khan, Mr Muhammad
Young, Mr G M.
Ziauddin Ahmad, Dr
Zulfiqar Ali Khan, Sir

The motion was negatived

Rai Bahadur S. C. Dutta (Surma Valley *cum* Shillong Non-Muhammadan) Sir, I beg to move·

"In Schedule I to the Bill the proposed amendment No 6 be omitted and the ibsequent amendments be renumbered accordingly"

ir, item No 45 of Schedule II of the Indian Tariff Act levies a special uty of 11 per cent on cotton piece goods Item No 6 of Schedule I f the Finance Bill proposes to omit that item No 45 in the Tariff Act, nd thereby apply 15 per cent *ad valorem* tariff for textiles to cotton iece-goods also My amendment proposes to retain the special duty of 1 per cent I find there is a section of non-official Members in this House vho are for raising this duty for protection purposes I wish to point ut that, whatever variations they wish to make in this duty can be nade appropriately in the other Bill, the protection Bill which we were liscussing the other day The advantages will be this If my amendment is allowed, then the tariff duty of 11 per cent will remain permanent, but if the House wants to make any change in the Tariff Bil hat will come later on, the protection will be for three years only, fo it the end of that period there will be an enquiry into the necessit' 'or protection. I wish the House to bear this in mind, namely, that th ate of tariff protection will be revised after the period of three years So that, instead of making a permanent alteration in the tariff to 1 per cent, it is better that the House should make a charge only for thre years, if the House is so minded. Or if the House so desires, it can even under the protection Bill, after referring it to the Select Committee

raise the duty to 15 per cent without making any discriminating protection, or accept the amendment of Pandit Madan Mohan Malaviya. But it is desirable that no permanent disturbance should be made in the tariff by this Bill, because as I pointed out in my speech yesterday, the effect of such a tariff is to perpetuate an evil and where it is a question of great losses to the consumer and comparatively smaller gain to the Government, the tariff should never be high

I also wish the House to realise that the existing system of taxation presses unduly upon the poor as a large number of the necessaries of life are being taxed I find from the proposal of Government that they want to stabilise the finances These are not proposals of a temporary nature The increase is not meant to be debited after a year or two to meet the exigencies of the present financial situation, but to stabilise the finances to meet provincial deficits Sir, the unsuitability of these present proposals to meet provincial deficits has been referred to by other Members I think the reference to it is unfortunate It is to be hoped that when provincial autonomy is realised, it will be done by dividing the sources of revenue between the Central Government and the Provincial Governments in such a way that each would be free in its action as regards the sources of revenue, so that when the lines of division are drawn there will be no further scope for doles from one to the other The very object of the Budget being not only to balance the Budget but also to keep a reserve so that they might contribute something to the provincial revenues, it is clear that Government wish to make these proposals permanent Sir, when the cotton duties were raised to 11 per cent it was hoped that the utmost limit was reached It is now found that that hope has been dashed to the ground

Sir, since reference has been made to the provincial deficits and the need for replenishing the provincial revenues, I ask are there not alternative sources of revenue from which the provincial finances can be replenished? Are there not other alternative sources of revenue at the disposal of the Government of India by which the Central revenues can be replenished? I find that there are various suggestions in the Report of the Taxation Inquiry Committee Why are not these valuable suggestions being utilised? I refer to this because the tariff duties are still being raised higher and higher, following as it were the line of least résistance Because whenever an article is proposed to be taxed or the duty is proposed to be increased, there happen to be some producers of that commodity in the country who think it their duty to support it on the ground of affording protection Sir, it is necessary that the conscience of Government should be roused and the conscience of the House also should be roused to find alternative remedies instead of laying the burden on the poor Why not widen the basis of income-tax so that the net income from all investments may be taxed? That would relieve the financial difficulties of Government and at the same time Government will be in a position to give relief even in the matter of income-tax by raising the minimum amount that should be free and also reducing the rates of income-tax.

Then again, as reference has been made to the needs of the provinces, why not equalise the succession duties? It is a most inequitable system of taxation that prevails in the case of the succession duties, certain

communities are taxed, while others are not, certain provinces are taxed while others are not, certain assets are taxed while others are not The European community to whom the old Succession Act applied have to pay duties not only on taking probates but also on intestate succession What is the case in Bengal and other provinces to which the Hindu Wills Act applies? They are to pay duties on taking probates. The taking of probate is compulsory as regards Hindus, Sikhs and others but not so in the case of Muhammadans in Bengal and Assam, and not so in the case of people other than Europeans as regards other provinces Is it not most inequitable? There is another succession duty for persons who are not bound to take out letters of administration or probate They are to pay duties on only certain assets, *viz*, debts due to the deceased When they are to take succession certificates only, particular assets are selected, but that even not universally They are to tax duties only in the case of their instituting a suit or rather getting a decree in court Is not that a most inequitable system of taxation? If that be remedied, all difficulties of provincial revenues would be removed Will not the Government of India in that case be able to keep to itself all the income from the receipts of income-tax? And the difficulties of the Government of India will be solved

When I refer to these items I do not mean that these are the only remedies to meet the financial situation, but they are only illustrative There are various methods of taxation which will be found to be more equitable than the present system of taxation which presses so heavily and unduly upon the poor, and it is the duty of this House to find a remedy It is more a duty of this House than that of the Government to find a remedy instead of remaining content with simply making unavailing protests

Pandit Nilakantha Das: Has the House any power to find a remedy in this Bill?

Rai Bahadur S. C. Dutta: You are not helpless This House is not helpless in finding a remedy The House can suggest a remedy. If you reject the Government's proposal it will be an indication that there should be a halt, a pause in the present system and an inquiry as to the basis of revising the financial system I hope there are many suitable remedies which may be adopted by joint consultation between the Government and this House by instituting an inquiry There was such an inquiry by the Taxation Inquiry Committee Its results are available Now there is this remedy that I suggest The House, instead of remaining content with mere unavailing protests, must adopt this remedy That will be a warning to the Government. There was no proposal of cut in the Budget of the Honourable the Finance Member There was a discussion in this House as to the responsibility of non-official Members If the Honourable Members have studied the Budget and found no remedy, no proposal for a suitable cut, then it might be considered that the Budget of the Honourable the Finance Member is unassailable The Honourable Member, Sir Cowasji Jehangir, raised a very important point and there was some discussion in this House and the Honourable the Finance Member also echoed the same sentiments. Some explanation was given on behalf of the non-official Members One reply was that the non-official Members are not responsible, because they did not know whether it was possible for the Honourable the Finance Member to make a

[Rai Bahadur S. C Dutta.]

saving and whether it was possible to make large cuts because large policies could not be discussed in the course of the budget discussion But it was possible to discuss and suggest cuts as regards new services, new expenditure Those proposals for cuts as regards new services might be pressed to a division, if the explanation given be unsatisfactory.

Mr. President: What is the Honourable Member doing? This is not the general discussion of the Budget

Rai Bahadur S. C. Dutta: I am only discussing the duty of the Members of this House.

Mr. President: He must bring a separate motion for that purpose The Honourable Member must at present restrict himself to the amendment.

Rai Bahadur S. C. Dutta: I am speaking to the amendment whether it is not the duty of this House to balance the Budget, that is the point I am discussing, and this arises on that question whether it is the duty of this House to balance the Budget Then there was another discouraging circumstance in this case It was this, that it would have been useless for non-official Members to make suggestions for cuts as there would be no opportunity to put them to the vote. The Honourable the Finance Member has got his Budget granted But he is not bound to spend all the amount. He can effect savings. I therefore ask this House to accept my motion.

Mr. Amar Nath Dutt (Burdwan Division Non-Muhammadan Rural) Sir, it is very generous of you to call me to support my Honourable friend. I wish the Honourable Members of this House who are absent from this House had heard him when he was delivering his interesting speech In fact, those who were present listened to him with that respect and with that attention which the speech of my Honourable friend deserved What was he proposing? He was proposing a reduction of duty which will benefit the poor, and as soon as this fact became apparent to the Members of the House, the small number of Members who were present began to listen to him with rapt attention, and the Chair also was pleased, seeing the cogency of the reasons advanced by him, to permit him to go on Now, what was he pleading for? To keep the clause as it is In fact, I would favour the abolition of all duties I myself am a free trader. I do not believe in protection except in cases of basic industries of national importance Protection may benefit the capitalists, and we are at times taken to the slaughter house to the detriment of the interests of the poor Here my friend, coming from far off Assam, the land of coolies, and where the conditions of life are so trying, I think he was right and just in pleading for a reduction in the price of *dhotis* That is what he was doing and I hope this simple fact will appeal to every Member of this House who is asked to support a measure which will enable the poor to get sufficient clothing to cover themselves by lowering the price of cloth and to have enough cloth during winter to protect them from cold

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): May I point out Sir that in winter woollen cloth is necessary not cotton

Mr. Amar Nath Dutt: Woollen cloth is for rich people, not for the poor men, half-fed and half-clothed, not having even anything to cover themselves with I know of labourers who cover themselves during winter with *chattais* made of palm leaves They know of no woollen cloth. Here my Honourable friend was pleading for cotton goods only, and I think this has also elicited some amount of sympathy from my friend. Sir, I beg to support the amendment

Mr. President: The question is·

"That in Schedule I to the Bill the proposed amendment No 6 be omitted and the subsequent amendment be renumbered accordingly "

The motion was negatived

Mr. M. S. Aney (Berar Representative) I do not want to move my amendment No 21 *

Pandit Nilakantha Das: I have got, Sir, two amendments in my name, Nos 22 and 23 They practically come to the same thing Amendment No 22 is that

"In Schedule I to the Bill, for the proposed amendment No 7 the following be substituted

'7 Item No 4 of Schedule III be omitted' "

That is, this amendment is to abolish the export duty on rice that is now levied Many of my friends will wonder how I have induced myself to propose the abolition of all export duties on rice In this country where by tradition and environment practically it must be the policy that no foodstuffs should be exported, any difficulty which is put in the way of exporting a foodstuff like rice should *prima facie* commend itself to our people, but today I am in a very peculiar position Though ordinarily it should be a common theory, especially in such a poor land, and especially in my constituency, Orissa, that no foodstuffs should go out, today I find I shall have to propose this amendment rather forced to propose it under circumstances that, I may say, have been created by this heartless Government Whenever we think of rice export duty, it is the general tendency of Honourable Members to look to Burma I have never myself been to Burma Though export of rice is necessary here, I cannot exactly depict from my experience what the condition of the ryot there is I may read passages from here and there, but that reading often times would suggest things which would never bring the actual state of affairs home either to myself or to my friends I shall speak here of what I know from my own experience, in my own constituency

I do not know what element of world conditions in the rice trade have entered into our Indian conditions for producing the present depression. But as far as I can see, it is the ratio muddle which first began this depression, and in a vast agricultural country like India the effect of one set back at big centres like Bombay and Calcutta has its repercussion in the villages, and for a time it goes on In the appreciation of the rupee to the 1*s* 6*d*. ratio, the difference in price to the exporter, rather the disadvantage, is theoretically only two annas in the rupee. I do not know how it has come about that the price of rice or paddy today in my place has gone down by something like 60 to 80 per cent People have not been

*"That in Schedule I to the Bill, the proposed amendment No 7 be omitted."

[Pandit Nilakantha Das.]

able to sell their rice for the last three years I am not going to take the figures in the statistics reports and accounts that are published Some of my friends may think that the export of rice has increased during the last three years May be, for rice is the only article of the peasant in rice-growing areas to be turned into cash for everything else that is necessary for living and carrying on husbandry Less price may well mean more export But whether the export is more from Burma, or Cochin, or Orissa, or Bengal, I do not exactly know, nor do I care to know For I see the facts and the conditions with my own eyes What are the conditions about rice in my constituency? I will illustrate the whole subject by a description of it and I believe the entire situation in the rice-growing parts of the country cannot be otherwise

In my constituency the ryot gets very little Gentlemen in this House will not be able to understand at once what settlement operations mean in my own part of India These settlement operations are going on in Orissa and in some districts in Bengal, in some districts it has ended, and in other districts it is going on still, and you will be surprised to learn, Sir, though the general circular of the Bihar Government has been to the effect that the ryot will have to pay four annas increase in the rupee, this 25 per cent under the rules has been manipulated to an extent that in some cases it amounts to an increase of 100 per cent For certain lands of one of my friends in a village it has increased from Rs 80 to Rs 169.

This is not however a singular case Here in this connection I must give to the House some information which may not be palatable to some. Last year some of my friends in my constituency were thinking of launching civil disobedience on this issue, I mean, non-payment of land taxes.

2 P.M. They would have done it, successfully, for the people are utterly helpless and have practically lost all interest in land they hold Though they may not often be theoretically so much in favour of readily taking to civil disobedience in this particular item of non-payment of land tax, it is their inability to pay which would have at once driven them to resort to this method of securing relief. They don't often know where they would land if they adopted that weapon, but they do not mind it They have been driven to this kind of desperation in matters of life and particularly of property on account of settlement and other operations in that uncared for land of Orissa But I may inform you, Sir, we have got to pay our land tax mostly not to the Government direct, but to the intermediaries, *i.e*, zamindars Many of our zamindars are absentee landlords who spend most of their time in Calcutta and other places. In the first quarter of the last century when Orissa was annexed, our land revenue was farmed out in Calcutta without our people knowing anything about it. Thus most of our zamindarees were created and sold in Calcutta. However, Sir, this was the difficulty for which non-payment of land tax could not be undertaken Now in addition to the crushing land tax, Sir, there are also the Chowkidari tax and other taxes paid directly and my friends in some parts of my constituency are probably thinking of resorting to such a tax, if non-payment of taxes is to be under-

Sir, my object here is to give you an idea of the heavy land tax in my constituency, and when the land tax is growing, the ryot cannot get any money for his rice to make his two ends meet The rate of rice, I mean paddy, which was 2½ years ago Rs 5-12-0 per bag, is now Rs 3-8-0 per bag (a bag means 2 maunds) and the cultivating ryot who is taxed sometimes Rs 8 to Rs 12 or sometimes much more per acre cannot, at the present rate of rice, expect a margin even from the gross produce of his land Sir, the produce of the land in our parts varies from 5 to 12 maunds of paddy per acre, which at the present price will bring him say, from Rs 9 to Rs 21 Out of this, he will pay the expenses of cultivation and land tax, and invest in stock and cattle, and then maintain himself and his family, educate his children, spend on ceremonies, and what not Now you have seen the margin, Sir You can well realise, at the present rate for rice, to what straits the ryot has now been reduced It perchance one of his bullocks dies, he will have not only to sell away all that remains after paying his land tax, but will either mortgage or sell his land, and by so doing he will be utterly ruined If the Honourable Member could find time to come to my constituency, at least once during his term of office, I should be very pleased to show him personally how, if the price of rice is not increased, there will be complete ruination among the ryots of Orissa

Then again, Sir, after levying the protective and revenue duties to an enormous extent, you are going today again to raise the price of cloth which is a primary necessity of life, and you are also going to raise the price of sugar You are virtually preventing the poor ryot from taking a bit of sugar At such a juncture you don't think of abolishing or substantially reducing the duty on rice You expect the poor ryot to fill your treasury by all means possible, injudicious as many of them are, still you are not adopting measures by which you can increase his purchasing power

In their proposal, Sir, the Government are proposing a reduction of 9 pies out of 3 annas which is the present export duty on rice I am simply surprised at the money-making propensity of our friend the Finance Member The money will safely come into the treasury, but where will the 9 pies go to? Will it not in this case also find its easy way to the middleman's pockets? I wonder how the poor salt only has the peculiar misfortune of conveniently transferring all the small reductions in its duty into the pockets of the middleman From those Benches the argument has always been flung at us that the money obtained by the reduction of four annas out of the duty on salt will go to the pockets of the middleman; it will not benefit the consumer The four annas in the rupee will go to the pockets of the midleman, when it is the case of salt When it comes to export duty on rice, 3 pice in three annas will clean go to the pockets of the cultivator who sells his rice Of course, the argument was given more definitely in the time of the predecessor of my Honourable friend over there, and he may refresh his departmental memory by looking into the previous proceedings of this Assembly

There is another question about adjusting the Budget It has been referred to and discussed by Members on all sides. The theory seems to be that if we cut down some duty, if thereby Government's income comes down by a substantial amount, we are to find the money Some Honourable Members feel even anxious to find the money But we must not forget that only

[Pandit Nilakantha Das]

some items of the Tariff Act are before us to discuss in this Bill We have not to consider the whole question from the very bottom. We are not even allowed to propose an increase of income on any item, if we desire it Our duty is to reduce and not to increase, for the entire State purpose is not being here adjusted in consultation with us. It does not matter if, on account of our amendments, there comes to be more or less money in the pockets of the Government That is their look out They have got, I may suggest incidentally, enough money at least in their reserve funds, if nowhere else, to borrow from, though the funds are only in account, and not in actual cash reserve anywhere as I had painfully to learn the other day in connection with Railway Reserve in the Standing Finance Committee for Railways

Mr. President: These are general observations The Honourable Member will realise that we are now on amendments

Pandit Nilakantha Das: I am simply making the point that, if reducing this duty affects the Government purse, we are not concerned. I am doing so, for many of my Honourable friends have referred to this aspect of the question

Mr. President: That applies to every amendment

Pandit Nilakantha Das: I am in a very awkward position, Sir, for many of my friends seem to be under a misapprehension of the entire situation, and I must clear the misapprehension before I count upon their support and votes

Mr. President: I cannot allow repetition of the same argument

Pandit Nilakantha Das: No, Sir, I have already done with that aspect of the question Now, I would simply say this Even this nine pies reduction will simply mean, according to their own arguments, a loss to the Government purse It will come to nothing, no help so far as the cultivator is concerned It will go to the pockets of the middleman Therefore I hope you will agree with me when I say that, when the Government have agreed to the principle of reduction at a loss to their own purse, let them come to the logical issue arising out of their own measure, and apply the reduction reasonably and usefully by reducing to its entire extent, *i e*, abolishing this rice export duty Sir, I move the amendment

(Mr K C Neogy stood up)

Mr. President: Does the Honourable Member want to speak?

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): Yes.

Mr. President: Then, we had better adjourn now.

The Assembly then adjourned for Lunch till a Quarter Past Three of the Clock

The Assembly re-assembled after Lunch at a Quarter Past Three of the Clock, Mr. President in the Chair

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Mr. K. C. Neogy: Sir, I hesitate to support the rather drastic proposition which has been advanced by my Honourable friend, Pandit Nilakantha Das, though I have a good deal of sympathy with what he said in support of the amendment It is a very complicated question If the prices of food-stuffs fall below a particular limit then the producer suffers If, as a result of stimulating export, a comparative scarcity is produced prices are raised, and then the consumer suffers It is very difficult therefore all at once to say as to whether the Government of India should be called upon to surrender a large amount of revenue which they have budgeted under this head, for the purpose of stimulating export without knowing what the effect of that stimulation may be upon prices generally. I specially regret the absence of my Honourable friend U Tok Kyi from the floor of the House on the present occasion, because it will be remembered that the question of the abolition of the export duty on rice came up for discussion more than once in this House at his instance When we consider the question of export of rice, Burma looms very large before us Although other rice-producing provinces like Bengal and Madras come in for considerable quantities by way of export, the difference in the quantities exported from Burma on the one hand and from the rest of India on the other is so large that for all practical purposes we might almost omit from our consideration the cases of the other provinces It is for this reason particularly that I regret the absence of my Honourable friend U Tok Kyi Sir, the Honourable the Finance Member, in his budget speech, has justified this slight reduction in the export duty on the ground that the fall in prices all the world over has affected the Indian producer very adversely That, of course, is a correct statement of the position though it does not give us an entirely complete picture of the position, Sir, on going through the official review of the trade of India for the year 1928-29, one finds that it is not merely the fall in prices that has affected the position of the Indian grower, but it was also the appearance of other competitors in the field, particularly in Europe, that complicated the situation For instance we read that so far as the eastern markets are concerned, the depression was due mainly to the fact that both Indo-China and Siam had bumper crops in the season 1927-28. Then with regard to the European market the position appears to be as follows: The United States of America, Spain and Italy have taken to the production of rice in fairly large quantities since the end of the war Exports from these countries have been mainly to Europe and these exports have affected the market for Burma rice in the European countries

Now, Sir, there is a further fact, namely, the embargo which the Japanese Government have imposed on the import of rice, particularly from India, as far as I know We, at one time, were under the impression that the Japanese Government were forced to take this action in retaliation of the Indian cotton yarn protection measure which was passed by this Legislature in 1927. As a matter of fact, Mr. Jamnadas Mehta at one time put a question in this House, drawing the attention of the Government to the necessity of raising this question of discriminatory action on the part of the Japanese Government at the League of Nations. But, Sir, we read in the official chronicle that the Japanese Government were forced to this decision as a result of the bumper crops which they had in their

[Mr K C Neogy]

own country during successive years, and it is for this reason that the prohibition against imports is still supposed to continue in that country My principal point is that it is not enough for Government to adjust the tariff for the purpose of stimulating export, but they ought to have a sort of constructive policy in this matter, for I find that, so far as the European markets are concerned, this reduction in the tariff will not be of much avail to the Burmese rice producer, because, as I read in this official publication, " The competition of the American and other overseas countries in European markets has been facilitated by the system of grading and better marketing methods that the rice producers of those countries adopt ". Now, my Honourable friend the Honourable the Finance Member proposes to reduce the tariff by nine pies out of three annas This can hardly enable the Burmese rice producer to compete in the European markets against better graded rice which is being supplied in those markets

The next point is this that the present depressing condition of the rice market is due not merely to the low prices that obtain all the world over, not merely to the bumper crop that Burma had in the past, but also to the large imports of rice into India from abroad during those years when prices were abnormally low I have collected a few figures which will explain the position

In 1925-26, India imported 649 tons of rice from abroad valued at Rs 1,27,000 and odd In 1926-27 the figure went down to 289 tons which was valued at Rs 66,313 In 1927-28, when there was already a slump in the Indian market we find that the quantity of rice imported into India from abroad went up to 68,954 tons valued at Rs 92,14,804 Then again in 1928-29 the quantity went up much further, 1,25,426 tons valued at Rs 1,79,32,000 and odd Now, Sir, on a reference to the prices I find that during this period the declared values per cwt of exported rice from India was Rs 8-1-7 per cwt in 1926-27, it fell to Rs 7-13-1 in 1927-28, and to Rs 7-5-9 in 1928-29 And it will be found that when the prices fell in the years 1927-28 and 1928-29, and when we imported abnormally large quantities of rice in these years, the average prices at which those quantities were imported were below the Indian prices by about a rupee, that is to say, the other countries were dumping their extra stocks of rice into India just at the moment when our own home market was in a very depressed condition It does not appear that Government took any action to regulate these imports on the lines that the Japanese Government did, and here I want to ask the Honourable Member in charge whether it is not necessary for Government to have a constructive policy in this matter beyond a mere tariff adjustment

Now, Sir, dealing again with the prices, I find that in the month of January, 1930, which is the latest period for which we have got published figures, the declared value per cwt of rice exported from India stood at Rs. 6-15-6, which is much below the corresponding figure for 1928-29, which was Rs 7-5-9 I think the House will realise that the present seriousness of the position has been brought about, not merely by the glut in the home market, but also by the large imports that we are having from abroad. I undoubtedly recognise that the imports have begun to diminish of late months, and we may not be faced with a similar situation as we were in 1928-29. But I want Government, on this occasion, to make a statement of their policy as to whether, if similar circum-

stances were to be repeated, they would take any effective action for the purpose of regulating imports at a time when they would embarass the Indian market The present policy which Government maintain in regard to the export and import of food-stuffs is that of the open door Government say, "Dump your rice, dump any kind of food-stuffs that any country may have, in India, no matter whether it embarasses our position or not, and if on the other hand any other country wants to take away our food grains like rice and wheat from India, we will not stand in the way" In the one case a situation like that which faces us today will arise, in the other case there may be comparative scarcity and high prices In this connection I am reminded of what happened when the system of food control was in operation during 1918 19, the recklessness with which the control system was operated for the purpose of mobilising India's supply of food-stuffs for the benefit of the allies was brought out very clearly in the report which Sir Charles Innes (then Mr Innes) wrote in his capacity as Foodstuffs Commissioner The Report was published in 1919, and I would just quote one sentence from that Report to show that Government absolutely failed to recognise their responsibility in the matter of conserving a sufficient stock of foodstuffs in the country in those days

Mr Innes, referring to the situation in 1919, said that the situation was so serious that he found it "difficult to see how India could have come through 1919 as well as she did" That is to say, the information at the disposal of the Government of India in those days was not such as to enable them to estimate the quantity of food-stuffs that was in the country, and when Mr Innes found that there were not very many deaths from starvation, when he found that Indians had really survived the system of food control, he said that he found it difficult to see how India could come through 1919 as well as she did Then he began to speculate what this could be due to He said that there must have been some reserve stocks in the past Unfortunately, however, when Government find that the statistics which are published under their own authority do not support any pet contention of theirs, they say that these statistics cannot be relied upon in these matters, but when it suits them they say, "Here you are, these are the statistics which show that we are perfectly justified in allowing so much of your food-stuffs to be exported" Mr Innes, it is interesting to know, was constrained to observe that the reserve stocks about which he speculated must now be very depleted, that is to say, at the end of 1919, Sir Charles Innes thought that there were practically no reserve stocks in India of foodstuffs Therefore we can begin with a clean slate from the end of that period Now, I want to know from Government whether they have been able to find out what the present condition is, what minimum quantity of food-stuffs should be conserved in the country for the purposes of meeting the human needs of the people, and whether the present export policy enables the country to retain that minimum quantity of food-stuffs. That is a very important question which Government cannot absolutely neglect, for although it is a fact that at the present moment we are faced with an excess of stocks, supposing for the sake of argument that as a result of the stimulation of export which my Honourable friend desires to bring about by this amendment, a much larger quantity of food-stuffs is exported than would be desirable in the interests of the people, what would happen? My Honourable friend Pandit Nilakantha Das has done very well in bringing

[Mr K C Neogy]

forward this particular motion so as to enable this House to confine its attention to the very important questions that are involved in this question of export of rice The primary and most elementary test of the efficiency of a Government would be whether its administrative policy enables the people to have a sufficient quantity of food-stuffs at their disposal Now, Sir, I very much hope that when my Honourable friend, the Commerce Member or the Finance Member, whoever replies to the debate, gets up to speak on the motion, he will give us an idea of the policy of the Government in regard to the export of food-stuffs, and not merely confine himself to the narrow issue of this present amendment

Mr. Amar Nath Dutt: Sir, I beg to support the amendment from another point of view, which has been foreshadowed by my Honourable friend, Pandit Nilakantha Das, but very vaguely You must not forget that India is an agricultural country, and you must not forget that upon the prosperity of these millions of agriculturists depends not only their own happiness but also the happiness and prosperity of those who live upon them, I mean the landholders and the gentry In Bengal which is a rice-producing province, if you take into consideration the case of an ordinary farmer, you will find that the produce which he gets from his field is not sufficient to cover the expenses of cultivation after paying rent I will give a concrete example A farmer has ordinarily 20 *bighas* of land to cultivate The cost of cultivation per *bigha* is Rs 15 or 16, to grow paddy The ordinary output of a *bigha* of land is about 7 or 8 maunds That means the average farmer gets about 150 maunds of paddy as his produce while the present price of paddy being Rs 2-2-0 per maund brings him about Rs 300 This does not even cover the actual cost of cultivation I wish my Honourable friend, Diwan Chaman Lall, had been here He always champions the cause of labour But he champions only the cause of industrial labour and not agricultural labour. That is my grievance against him If you take into consideration the actual state of things that prevails in rice-producing districts, you will find that these labourers are starving because they have to meet the cost of cultivation after paying rent In the present year they are unable to pay their rents to the landlords I am informed that farmers are unable to pay their rent as the price of paddy has gone down This affects not only the agriculturists, but also the upper classes of people who live upon the produce of these agriculturists My friend, Mr Neogy, has been pleased to point out that there is another difficulty, that if the price of rice rises, the consumers will suffer I quite appreciate it, but I know that people living in towns always favour that the price of rice should be cheap Those coming from the city will probably support cheapness of the price of rice But we have to judge it—both from the point of view of the consumers as well as from the point of view of those who produce paddy, and I believe that, unless all other prices go down, the paddy-producers will be hard-hit and it will bring about absolute ruination of the agriculturists. In Bengal at least 90 per cent live on agriculture and it is only 5 per cent. who live in towns who are benefited if the price of paddy only goes down This proposal of my friend, Pandit Nilakantha Das, will save the agriculturists to a certain extent by increasing the export of rice. With the present export duty it is not possible for the agriculturists to export rice, so as to compete with other countries which export rice not only to other countries but also to India, the gra-

nary of the world I therefore ask the Government to consider the circumstances put forward by Mr Neogy as to how the imports from other countries of food-stuffs should be stopped in the interests of the agriculturists here

But that is outside our province So far as the present amendment is concerned, I have to suggest to them that they must take away the export duty on rice if they want to benefit the agricultural population of India The condition of the agricultural population in Bengal villages is very grave, for I know from my own experience while going about from one village to another the granaries of the farmers are all empty as they had to sell the whole of their produce, and if this state of things continues, Bengal will witness one of those horrible spectables which it witnessed during "Chhiattarer Mannantar" *i e* , the famine of 1770, not for want of food grains, but for want of money amongst the agriculturists If you go to the houses of these farmers, you will find that not one of them gets a full meal, not to speak of clothes to cover themselves So I beg to lend my support to the amendment of Pandit Nilakantha Das, and if that fails, of course I shall come to my own amendment which will give the Government something (*An Honourable Member* "What does it give?") One pice But I may tell the Government that, once for all, they must lay down their policy with regard to the net savings of the agricultural masses of the country

The Honourable Sir George Rainy (Member for Commerce and Railways) I shall speak very briefly, Sir, on this amendment, and with special reference to what fell from my Honourable friend Mr Neogy. He pressed Government to say whether they had anything to put before the House in the way of a constructive policy, apart from the reduction in the amount of the rice duty, which finds place in the Bill The first point he raised was that it is not only the low price, due to bumper crops in several countries simultaneously, which was hitting the Burma rice, but also the improved methods of grading and other methods of putting rice on the market adopted in other countries, which had injured the Burma trade That is an aspect of the matter which has been constantly present to the mind of the Government of India, and our feeling was that it might be of real benefit to the trade if part of the money raised by the export duty could be spent on improving the quality of the rice, and the methods by which it is put on the market At the same time if the attempt is made to do that directly from Central revenues, we are at once faced by constitutional difficulties arising from the distinction between Provincial subjects and Central subjects These difficulties can sometimes be got round by means of legislation imposing an export cess, the proceeds of the cess being spent by committees representing the trade concerned for the benefit of the trade I daresay some Honourable Members may have noticed that His Excellency the Governor of Burma, addressing the Burma Chamber of Commerce in Rangoon the other day, specifically put this suggestion before them as a matter for their consideration, that it might be to the benefit of the trade if a small export cess were imposed on rice, a burden which the trade might be able to bear now that the export duty had been reduced, and that the proceeds might be spent on agricultural research and on the improvement of marketing methods, including grading. The matter therefore stands there for the moment, and the next move lies with the trade itself But the Government of India believe that a good deal could be done in that way which should be beneficial to the Burma rice trade

[Sir George Rainy.]

My Honourable friend went on to suggest that measures might be necessary or desirable to regulate the import of food-stuffs from abroad, when prices were low and also to regulate exports If there was a danger of the stocks in the country becoming unduly depleted I do not question the importance of matters of that kind, but I could not go with him when he referred to what happened in the year 1919 I have a rather vivid recollection of what the situation was at that time, and a very perilous situation it was We were approaching the end of a period of four or five years during which the trade in food-stuffs had been controlled, and the Government of India and the Provincial Governments had been doing their best both to regulate prices, and to ensure that adequate supplies were always in existence in every part of the country This was a very difficult task In 1919 the danger that threatened was this, that, since prices were controlled and the price barometer gave no indication of what was happening, we might find ourselves suddenly faced by the fact that, in particular areas, there was an absolute shortage of grain which, owing to the difficulties of transport at that time, could not be made good In two or three parts of the country that position was very nearly reached But when the channels of trade are open and food-stuffs are moving freely, then we can trust the price barometer to give us warning when danger exists, and personally I should always be afraid of taking measures which might have the effect of obscuring what was really going on and eventually lead to a really dangerous situation I do not think myself there is any great danger that stocks in India might become unduly depleted so long as we are living under normal peaceful conditions and if they did, the experience of 1928 and 1929 clearly shows that imports from abroad would at once begin

As regards the other question, namely, the regulation of imports, I fully sympathise with my friend, Mr Amar Nath Dutt, when he referred to the hardship inflicted on the agricultural classes when the prices of food-stuffs fall very low But we have to remember that when a great deal of grain from outside Bengal comes into Bengal, the great bulk of it comes from Burma and not from abroad It would be very difficult indeed to say to Burma that they ought not to send rice into Bengal, because the effect would merely be to transfer the loss occasioned by low prices from one part of India to another The whole question of the low price of primary food-stuffs does create a very difficult problem It is a matter which the Government of India will certainly keep under close observation, but I cannot say myself that at the present moment I can see any way to a satisfactory solution which would lead to an immediate amelioration of conditions

Mr. K. C. Neogy: May I say, Sir, that when I referred to the importation of rice, I did not mean the imported stuff from Burma, but the imported rice from overseas.

The Honourable Sir George Rainy: I quite understood my Honourable friend, but when I referred to importations from Burma I had in mind what Mr. Amar Nath Dutt said about conditions in Bengal As regards the importation of rice from overseas, there were very heavy imports in 1927-28 or in 1928-29—in one of these two years, I forget which—but I am not sure that that is likely to be a normal feature in future years. At that time there had been short crops in two or three provinces. It was largely a question, as I see it, whether Burma rice or rice from some other countries came in, one or other was almost certain to come It did not appear to me

at that time that there was any very serious problem As regards the admission of rice from other countries, I think that concludes what I have to say I would like to repeat that this whole question of the problem created by the low price of food-stuffs is one that the Government of India will certainly keep under close observation.

Mr. President: The question is.

"That in Schedule I to the Bill, for the proposed amendment No 7, the following be substituted

'7 Item No 4 of Schedule III be omitted' "

The Assembly divided

AYES—16

Ayyangar, Mr K V Rangaswami.	Mukerjee, Mr Saradindu
Bhargava, Pandit Thakur Das	Patil, Rao Bahadur B L
Chaman Lall, Diwan	Reddi, Mr. T N Ramakrishna
Das, Pandit Nilakantha	Shafee Daoodi, Maulvi Mohammad
Dutt, Mr Amar Nath	Sinha, Mr Rajivaranjan Prasad
Dutta, Rai Bahadur S C	Sitaramaraju, Mr B
Mitra, Mr S C	Venkatakrishnayya Choudhri, Mr P.
Mohammad Ismail Khan, Haji Chaudhury	Ziauddin Ahmad, Dr

NOES—44

Abdul Aziz, Khan Bahadur Mian	Lindsay, Sir Darcy
Abdul Qaiyum, Nawab Sir Sahibzada	Mitchell Mr D G
Alexander Mr W	Mitra, The Honourable Sir Bhupendra Nath
Bansraj, Mr Rajnarayan	Mitter, The Honourable Sir Brojendra
Baum, Mr E F	Monteath, Mr J
Chatterjee, The Revd J C	Moore, Mr Arthur
Cocke, Sir Hugh	Mukherjee, Rai Bahadur S C
Cosgrave, Mr W A	Noyce, Sir Frank
Crawford, Colonel J D	Pai, Mr A Upendra
Crerar, The Honourable Sir James	Parsons, Mr A A L
Dalal, Dr R D	Rainy, The Honourable Sir George
Ferrers, Mr V M	Rajah, Rao Bahadur M C
French, Mr J C	Rau, Mr H Shankar
Gwynne, Mr C W	Sahi, Mr Ram Prashad Narayan
Hamilton, Mr K L B.	Sams, Mr H A.
Hardy, Mr G S	Schuster, The Honourable Sir George
Heathcote, Mr L V	Scott, Mr J Ramsay
Hira Singh Brar, Sardar Bahadur, Honorary Captain	Slater, Mr S H
Howell, Mr E B	Sykes, Mr E F
Jawahar Singh, Sardar Bahadur Sardar	Tin Tut, Mr
Jehangir Sir Cowasji	Yamin Khan, Mr Muhammad
Lamb, Mr W S.	Young, Mr G M

The motion was negatived

Mr. President: Pandit Nilakantha Das

Pandit Nilakantha Das: I don't want to move it*, Sir.

Mr. Amar Nath Dutt: I also don't want to move my amendment†, Sir; but I should like to move the next amendment if you will permit me, I mean amendment No 25.

4 P.M.

*"In Schedule I to the Bill, in the proposed amendment No 7, the words 'Two annas and,' be omitted"

†"In Schedule I to the Bill, in the proposed amendment No. 7, for the words 'Two annas and three pies,' the words 'three pies' be substituted"

Mr. President: Schedule I is finished?

Mr. Amar Nath Dutt: Yes, Sir

Mr. President: Then I can put it to the vote. The question is:

"That Schedule I stand part of the Bill"

The motion was adopted

Schedule I was added to the Bill

Mr. President: The question is.

"That Schedule II stand part of the Bill"

Mr. Amar Nath Dutt: Sir, I beg to move.

"That in Schedule II to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, for the first entry under the head 'Letters' the following be substituted

'For a weight not exceeding two and a half tolas Half an anna'"

Sir, we find that, in the Bill, for a weight not exceeding 2½ tolas, one anna has been put With regard to this, Sir, I submit that there can be no two opinions on the non-official side for a reduction of the postal rates which were increased at a time when conditions were quite different in the country There were high prices then, and Government had to give something to their servants to enable them to keep their bodies and souls together They had to make some contribution to the Imperial Exchequer to enable the Government at home to carry on the war in Europe with which the people of India had no concern Every one will remember the happy days when we had postal communications with our relations by spending one pice (*An Honourable Member* "Were they happy?") Yes, they were happy days It has been our sad luck to be under foreign domination for nearly eight centuries before which we had happier days In a poor country like India, Government will not be justified in maintaining the present postal rates, which were raised in war time. I do not wish to say anything against the Honourable Member in charge of this Department, for I know that he has full sympathy with our views In a few months he will be one of us and will be as eager for this reduction as we are But I know as a member of a foreign bureaucracy his hands and feet are tied. He is the victim of a system

Mr. President: Order, order I wish the Honourable Member would restrict himself to the merits of the amendment

Mr. Amar Nath Dutt: People can write in a very small hand in a post card, but at times there are confidential communications (*An Honourable Member* "You are old") Both young and old have to write confidential communications, but I am past that age Be that as it may, we have to send confidential communications I will give you an instance The lawyers have to write to their clients informing them of the dates fixed for hearing of cases If any of the parties happens to be a friend of the post master in the village, he gets access to the information and uses it to the detriment of the opposite party The letters may not be delivered to the addressee. My friend Diwan Chaman Lall would like to do away with postage rates altogether. It will be a millenium when the labouring population gets free postage But that day is far off. But I make an appeal

to the Honourable Member in charge to do something to reduce the postal rates before he lays down the reins of his office, which he has held so worthily for the last five years, to the credit of the race to which he has the honour to belong I appeal to him to do this little service to his countrymen

Sir, I am asked by my friends to go on If I am now to dilate on the necessity for cheap postage, I can submit before you several things which will convince you of the necessity of cheap postal rates There are communications of merchants, which can not be conveyed within the brief space of a post card These merchants have to send small accounts and if they are to pay four pice every time, it is a real hardship I do not think that Government should be eager for revenue always and not see to the convenience of the public Really it affects the poor man more than anybody else We may not mind these things very seriously, but we know that probably, next to the salt duty, it is the postal rates that affect the poor man most Unfortunately, in these days of so-called civilisation, which has been introduced in our country, replacing our ancient civilisation, no one can do without communicating with his people living abroad People have to leave their villages for distant places in search of work They have to keep up communications with their relations, and to charge such people one anna every time is very hard indeed It may not appear high to many of the gentlemen here, who are well fed and well clad with good head dresses, but it matters much for those poor people who have to leave their wives and children behind and go to distant places, 100 or 200 miles away I am only concerned with people who go abroad People from Bengal go to Madras and the people from Bihar and Orissa side come to Bengal In fact my Honourable friend, Mr Gaya Prasad Singh's people have overflooded Bengal, and they find it very difficult to communicate with their people at home on account of high postal rates I found these people could not really afford to write one letter a week on account of the high postal rates They have at times to remain without a letter for one month even That is a thing which ought to appeal to every one of us I think there should be no difficulty in reducing the postal rates You can have other kinds of taxation, on heavy stationery and other things so that Sir Darcy Lindsay, Sir Hugh Cocke and other people, who take away so much from this country, might pay in the shape of postage stamps Also on heavy stationery the Government could collect more postage revenue Make them pay two annas Of course, we cannot propose constructive suggestions for increase of taxation, but if we had the power to do so, we could propose taxes which would affect the rich and the middle class gentry but not the poorer classes of people

Sir, with respect to letters, the only argument that can be advanced is that they need not write long letters In fact as I have already said long letters have often to be written Besides there may be some confidential communications and certain other communications which have to be made and they have necessarily to be written in covers. For these reasons I think the Government ought to reduce the postal rates for letters to half anna. Let them retain the one anna in case of more heavy stationery.

Rai Bahadur S. C. Dutta (Surma Valley *cum* Shillong. Non-Muhammadan): I have an identical amendment in my name But I shall support the amendment moved by my Honourable friend, Mr Amar Nath Dutt, and if that fails I shall move my alternative amendment.

Mr. President: The Honourable Member must move his alternative amendment first

Rai Bahadur S. C. Dutta: Only if the amendment moved by Mr Amar Nath Dutt fails

Mr. President: No, the Honourable Member must move his alternative amendment now

Rai Bahadur S. C. Dutta: Very well, Sir I beg to move

"In Schedule II to the Bill in the proposed First Schedule to the Indian Post Office Act, 1898, before the existing entries under the head 'Letters' the following new entry be inserted

'For a weight not exceeding one tola Half an anna' "

My amendment as well as the amendment of my Honourable friend, Mr Amar Nath Dutt, aims at restoring the postal rates to what they were before My Honourable friend's amendment proposes half an anna for a minimum of 2½ tolas, whereas my amendment fixes half an anna for a minimum of one tola I wish only to add this, that so far as we know, there is no loss on the postal side of the Department so far as it is considered a commercial department The loss is not on the postal side

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour) That is not correct

Rai Bahadur S. C. Dutta: It may be that there is loss on the telegraph side

The Honourable Sir Bhupendra Nath Mitra: That is not a correct statement

Rai Bahadur S. C. Dutta: Anyhow we find that larger concession rates are given for various publicity purposes, for press telegrams and otherwise These are the objects for which concession rates may be admissible, but then it comes to this, that the Department is not run on commercial lines I therefore hope that my amendment will be accepted

The Honourable Sir Bhupendra Nath Mitra: Sir, I much regret that it is not possible for me to respond to the appeal so eloquently placed before the House by my Honourable friend Mr Amar Nath Dutt, because there is nothing really behind that appeal My Honourable friend, I think, tried to reinforce his appeal by suggesting that when I went over and sat with him I should probably make a similar appeal, but I can assure him that that position is not likely to be reached at all

I should at the outset like to mention to the House the financial effect of the amendment moved by my Honourable friend Mr Amar Nath Dutt as well as that moved by my Honourable friend Rai Bahadur S C Dutta. The cost of the amendment moved by my Honourable friend Mr Amar Nath Dutt will, as I have stated in previous years, be something like 170 lakhs a year and the cost of the alternative amendment moved by my Honourable friend Rai Bahadur S C Dutta will be something like 150 lakhs a year and the reason why there is this small difference between

hese two estimates is one which I have also explained at length in pre ious years As my Honourable friend Mr Dutta was not in the Hous hen I think it might interest him if I were to read one passage fron he proceedings of this House on the 27th March, 1929 The passag s this

"The reason" (*i e , the reason of the small difference in the case of the two measures*) is that the experience in every civilised country including India, is that if a reduc ion is made in the initial unit of weight on which the lowest rate is charged, the bulk of the traffic almost immediately tends down to that initial unit In 1921 22 in leference to the wishes of this House, we had a rate of postage of half an anna fo a weight not exceeding half a tola The traffic carried on this initial rate of half tola was found to be about 80 per cent of the total traffic and the traffic carried at the next higher rate of ½ anna which was charged for weight exceeding half a tola bu not exceeding one tola, was 10 per cent of the total traffic "

That is the reason, Sir, why even the alternative proposal of my Honourable friend Mr S C Dutta will cost us as much as 150 lakh a year

Now, Sir, on several occasions in this House in the last five years I have explained the policy which I have been consistently following in the matter of the Postal and Telegraph Department That policy has three fundamental elements, first, that the Department should be self-supporting that is, it should pay for the cost of the services which it renders to the public out of the fees which it levies from the public for these various services That being so I regret I cannot subscribe to the views which have been expressed by my friend Mr Amar Nath Dutt It is not possible for the Department to dispense charity Indeed, charity must begin at home, and that brings me to the second of what I called the fundamental elements of my policy, and that is that the service should be maintained in a state of efficiency and that for this purpose the service conditions of the employees, and particularly of the lower subordinate staff should be improved to a reasonable extent (Hear, hear) The third element is that the service should be developed, particularly by the extension of facilities in rural areas (Hear, hear) In regard to that third item it may interest the House if I give them some figures In the five years ending 1924-25, we increased the number of post offices by 745 In the four years ending 1928-29 we have succeeded in increasing the number of post offices by no less than 3,804 (Hear, hear), and of that number over 3,000 have been opened in the rural areas I am sorry that the financial position of the Department has interfered with further development in this direction in the year 1929-30, and our efforts have been confined to making permanent about a thousand experimental post offices which had been in existence at the beginning of the year Next year also I regret the grant for this development has had to be restricted for financial reasons.

Sir Cowasji Jehangir (Bombay City Non-Muhammadan Urban): Sir will the Honourable Member tell us what was the loss during the period he mentioned paid from the general revenues to the Postal Department?

The Honourable Sir Bhupendra Nath Mitra: I shall come to that presently

Now, Sir, with regard to what I called the second fundamental element of my policy, namely, the improvement of the service conditions of the employees, and particularly of the lower subordinate staff, to a reasonable extent, the House is fully aware of the various measures which have been adopted in this connection during the last four years and the effect of the measures is reflected in the rise in the cost of the lower subordinate

[Sir Bhupendra Nath Mitra]

staff The cost on account of pay charge alone of the non-gazetted staff has risen from about Rs 565 lakhs in 1924-25 to about Rs 730 lakhs in 1930-31 and that is a rise of about Rs 165 lakhs In addition to that there has been some increase of about 15 lakhs in allowances of various sorts, that is, compensation for working in special localities or house rent allowances, etc As I said last year, though we have done a good deal in the direction of improving the service conditions of these subordinate employees, the task is not yet complete In particular, the strength of the subordinate staff and of the subordinate supervisory staff will have to be re-examined with reference to certain investigations in regard to time-tests enforced by the Department which were conducted last year by an officer of the Department and a member of the Service association, and in regard to which both these gentlemen came to unanimous conclusions The other important items in regard to which a further move will be required are the grant of a weekly day of rest to the staff where they do not now get it, the provision of an adequate leave reserve for postmen and inferior servants, the provision of pension for people who at the present moment are on a non-pensionable basis, and the improvement of pension of men who are in inferior service I personally should have liked to have done something in these various directions before I left charge of the department, but financial considerations have made that impossible

Now, Sir, with regard to what I called the first element of my policy, it was possible to follow that in the years 1925-26 and 1926-27 Unfortunately thereafter there was a very material fall in the revenue of the Department That was due partly to trade depression, and partly to causes over which the Department has no control One of these latter has been brought out, I see, in the Appropriation Accounts of the Accountant-General for the year 1928-29 In January 1928 the stamp duty of one anna on cheques and bills of exchange was dispensed with Owing to the system of unified revenue and postal stamps, apparently the bulk of the loss of revenue arising from that cause has fallen on the Postal Department We have recently had under consideration what action the Department should take in that connection In view of the fact, however, that the constitution will shortly come under revision and it would be difficult to interfere in the meanwhile with financial adjustments with provincial Governments, the Department found itself unable to pursue the matter Even in spite of these special causes and of the trade depression, the revenue of the Department has increased from 997 lakhs in 1924-25 to 1,120 lakhs in 1929-30 and is likely to increase to 1,151 lakhs in 1930-31, that is, an improvement in 1930-31, as compared with 1924-25, of 154 lakhs The working expenses, unfortunately, have risen from 888 lakhs in 1924-25 to 1,126 lakhs in 1930-31 That is an increase of 238 lakhs Of this increase of 238 lakhs, 64 lakhs have resulted from the completion of the process of commercialisation of the accounts We have to provide in 1930-31 for 35 lakhs for Depreciation for which no provision was made in 1924-25 and on the actuarial basis we have to provide for 29 lakhs more for Pensions But the biggest item, as I have already said, is an increase of about 180 lakhs in the pay and other allowances of the subordinate employees, *i e*, mostly the lower subordinate staff.

There is one point which I should like to impress on the House in this connection,—I have referred to it on several occasions in the past,—and

that is that the number of highly paid officials in this Department is very low. The subordinate staff will number about 135,000 in 1930-31 having risen to that figure from about 120,000 in 1924-25 and here it will be noticed that the increase in the lower subordinate staff is certainly not higher than the corresponding increase in the revenue When you look at what we call the gazetted staff, the total strength provided for in the Budget is 609, against a strength of 606 in 1924-25 Of that 609, 473 consist of people whose maximum pay does not exceed Rs 800 and there are only 136 people who belong to what are known as the superior civil services, *i e*, their pay goes up to Rs 1,000 or beyond Then, again, Sir, we do not employ among these gazetted officers an unduly large number of men of non-Indian domicile for whom special concessions are required Indeed, the non-voted expenditure in the Department amounts to only 12 lakhs of rupees out of a total expenditure of 11 crores, and there has practically been no rise in that figure since 1924-25

I know, Sir, that the policy to which I have referred at length has the general approval of most of the Members of this House, and I am extremely grateful to my Honourable and learned friend, Mr Kelkar, for having commended the policy while speaking in this House on the 4th March last I know that the policy is appreciated by the subordinate staff itself When I was in Bombay, last December, several of the unions of these various subordinate employees were kind enough to present me with an address, this being perhaps the first time in the history of the Department when the lower subordinate staff have presented an address to an out-going Member of Council I thought that their action displayed a want of wordly wisdom because certainly from their point of view it was most unprofitable to pay homage to the setting sun But still they did it and I may be permitted to quote to this House a passage from that address The passage is this

"It was also in your term of office that all grades of officials of this great department were brought into close touch with those who govern their destinies What some years ago was an ethereal substance in the clouds is now being felt by us all as human flesh and blood which we can meet and greet It is needless to say that this contact makes for mutual good and is in the interests of both those who govern and those who are governed"

Now, Sir, if I am entitled to any credit for what has been done for these people in the last four or five years, surely the House is entitled to the fullest share of that credit, for it is due to continued pressure from Members of this House that that action has been taken The pressure began with my Honourable friend, Mr Jinnah, in the early days of 1925 just after I had taken over charge of my present portfolio, and it has been continued practically from day to day by the various Members in various quarters of this House I hope, Sir, that this House will feel no hesitation in turning down not only the amendment of my Honourable friend, Mr Amar Nath Dutt, but all the other amendments which propose a reduction in the existing postal rates (Applause)

Mr. President: The question is

"That in Schedule II to the Bill in the proposed First Schedule to the Indian Post Office Act, 1898, for the first entry under the head '*Letters*' the following be substituted:

'For a weight not exceeding two and a half tolas Half an anna'."

The motion was negatived

Mr. President: The question is:

"That in Schedule II to the Bill in the proposed First Schedule to the Indian Post Office Act, 1898, before the existing entries under the head *'Letters'* the following new entry be inserted:

'For a weight not exceeding one tola . Half an anna'."

The Assembly divided:

AYES—26.

Abdoola Haroon, Haji	Mitra, Mr S C
Abdul Matin Chaudhury, Maulvi	Mukerjee, Mr Saradindu
Agnihotri, Mr K B L	Murtuza Saheb Bahadur, Maulvi Sayyid
Aney, Mr M S	Neogy, Mr K C
Ayyangar, Mr K V Rangaswami	Rajan Bakhsh Shah, Khan Bahadur Makhdum Syed
Bhargava, Pandit Thakur Das	Siddiqi, Mr Abdul Qadir
Das, Pandit Nilakantha	Singh, Kumar Rananjaya
Dutt, Mr Amar Nath	Sinha, Mr Rajivaranjan Prasad
Dutta, Rai Bahadur S C	Sitaramaraju, Mr B
Farookhi, Mr Abdul Latif Saheb	Talatuley, Mr S D
Gour, Sir Hari Singh	Venkatakrishnayya Choudhri, Mr P.
Gulab Singh, Sardar	Ziauddin Ahmad, Dr
Kidwai, Sheikh Mushir Husain	
Lalchand Navalrai, Mr	

NOES—52

Abdul Aziz, Khan Bahadur Mian	Mitchell, Mr D G
Abdul Qaiyum, Nawab Sir Sahibzada	Mitra, The Honourable Sir Bhupendra Nath
Alexander, Mr W	Mitter, The Honourable Sir Brojendra.
Banarji, Mr Rajnarayan	Mohammad Ismail Khan, Haji Chaudhury
Baum, Mr E F	Monteath, Mr J
Chatterjee, The Revd J C	Moore, Mr Arthur
Cocke, Sir Hugh	Mukherjee, Rai Bahadur S C
Cosgrave, Mr W A	Noyce, Sir Frank
Crawford, Colonel J D	Pai, Mr A Upendra
Crerar, The Honourable Sir James	Parsons, Mr A A L
Dalal, Dr R D	Rainy, The Honourable Sir George
Ferrers, Mr V M	Rajah, Rao Bahadur M C
French, Mr. J C	Rau, Mr H Shankar
Ghazanfar Ali Khan, Raja	Roy, Mr K C
Gidney, Lieut.-Colonel H A J	Sahi, Mr Ram Prashad Narayan
Gwynne, Mr C W	Sams, Mr H A
Hamilton, Mr K L B	Sarfaraz Hussain Khan, Khan Bahadur
Hardy, Mr G S	Sarma, Mr R. S
Heathcote, Mr L V	Schuster, The Honourable Sir George.
Hira Singh Brar, Sardar Bahadur, Honorary Captain	Scott, Mr J Ramsay
Howell, Mr E B	Slater, Mr S H
Ismail Khan, Mr. Muhammad	Sykes, Mr E F
Jawahar Singh, Sardar Bahadur Sardar	Tin Tut, Mr
Jehangir Sir Cowasji	Yakub, Maulvi Muhammad.
Lamb, Mr W S	Yamin Khan, Mr Muhammad.
Lindsay, Sir Darcy	Young, Mr G M

The motion was negatived.

Mr. M. S. Aney: I move the amendment that stands in my name and which is as follows

"In Schedule II to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1908, for the entries under the head *'Postcards'* the following be substituted

'Single ... Quarter of an anna
Reply Half an anna'."

Sir, this is a hardy annual, and I do not think I can add any new arguments now in support of the amendment which I am now moving.

My Honourable friend, Mr Amar Nath Dutt, has practically given out all the arguments which I could have very well advanced in support of it My Honourable friend, Sir Bhupendra Nath Mitra, has pointed out to us that the policy which he has pursued has had the general appreciation and approval of this part of the House, and I say that he is right when he says that I may not be one of those Members who are very vocal in appreciation of the work he has done, but I can assure him that our standing fast to this demand does not mean any want of appreciation on our part of all the good work that he has undoubtedly done during the time he has been in charge of his Department I want to assure him of that in the first place But still, in spite of the great work he has done, for which not only Members on this side have expressed their appreciation, but his whole staff are also grateful to him, we still maintain that the retention of the postal rate at half an anna is a wrong which requires to be remedied This is one of the standing wrongs which came into existence on account of certain emergent conditions, and this wrong is still left unremedied, in spite of the fact that those emergent conditions have passed away We are still carrying in the form of this half anna postcard the burden which was imposed upon us at a very difficult time Therefore we want our annual protest to be recorded, and we hope, if not this year, at any rate in the near future, the wrong will be remedied Immediately when the Government find that they are in a position to do something to help to relieve the burdens of the people, their attention should be arrested and directed to this wrong at once, and not to any other measure of giving relief It is one of those wrongs which requires to be remedied first, because it was the poor man who was made to pay out of his pocket to contribute to the treasury in times of difficulty So when the Government are in a better position, they must immediately remove that burden and allow him to have the benefit of his pice postcard This pice postcard is a privilege which he has enjoyed for a very long time For some time the Government have robbed him of that privilege We ask that that privilege should be restored to him, if not now, at least when they are in a position to do so But I know that they won't do it if we do not record our protest annually, and for the sake of recording that protest I am moving my amendment.

Pandit Thakur Das Bhargava (Ambala Division Non-Muhammadan): Sir, every year I also have either moved an amendment in favour of the pice postcard, or have supported an amendment that was moved by another Honourable Member It is not desirable that, when amendments are moved here, the Honourable Member should proceed on a different basis and ask for appreciation I am rather surprised at the appeal which my Honourable friend made in the last part of his speech, that he would even allow all his amendments to be vetoed if the Honourable Member's work is appreciated While appreciating his work and while giving him his due, I would submit, Sir, that the House will be well advised in supporting this amendment Now, I will refer the Honourable Member to the speech which he delivered in this House on the 27th March, 1929, when he was pleased to say

"It was not in the best interests of the Department or its customers that we should try to conserve the relatively small surplus which the Department was likely to produce from year to year, so that at the end of a long term of years, it might grow to a figure which would permit of a reduction in, say, the postcard rate."

[Pandit Thakur Das Bhargava]

So I understand that he has always been in favour of the reduction of the rate for postcards, and he is himself responsible for the formulation of the policy which would ultimately lead to the reduction in the rate for postcards My submission has always been, and is even today, that, whatever opinion the Honourable Member in charge of this Department may hold, I always stick to the opinion that it is not a commercial department The institution of the post office, Sir, is a feature of the civilized administration of every State, and all the servants employed in the post office are public servants I don't understand in what particular sense the view that this Department is a commercial department has been maintained In my humble opinion, if this view was accepted in relation to the Telegraph Department, this Department ought to have been abolished long ago And similarly in regard to other departments, the view that such and such a department is a commercial department cannot be justified.

Now, Sir, whatever may be said about letters, so far as postcards are concerned, I do not think it will be disputed that they are used very largely by very poor people in this country The pice postcard has really endeared itself to the poor people of this country, and the rate, which was increased in the year 1922 as a war measure, is really telling very heavily upon the poorer classes of this country If you compare the earning capacity of a poor man in India with that of a national of some other country and also compare the postage rates in this country with those prevailing in that country you will find that the rates prevailing in this country are not really very low, and I know of no other argument which has been adduced by the Honourable Member in charge, which can justify the keeping of the present rates As a war measure, the price was doubled, and there is no reason why that price should be maintained today If you look to the figures of postcards, Sir, you will find that the years 1919-20, 1920-21 and 1921-22 have been years of great prosperity so far as the number of postcards used by the people is concerned Then, as soon as the price was raised, there came a drop, and even now we have not been able to make up that drop, and I understand that the number of postcards used in the year 1927-28 was less than the number used in 1921-22, and the community in general has not used the postcard in the way it should have been used if normal development were allowed I understand, Sir, that the reduction in the rate of the postcard would mean the cost of another 70 lakhs or so to the State, and that it is difficult to find out this amount The Postal Department, commercially speaking, Sir, is not a losing concern, and if these 70 lakhs could be supplied by the general revenues of the country, it will be easy for the Department to reduce this rate Now, when there was a deficit in the Budget to the tune of 4 crores 40 lakhs, Government were able to devise several methods So what is the difficulty? Can't 70 lakhs be found out from some other source so that a measure of this character may help the poor people? This year the income-tax is increased by 70 lakhs, and it is a surplus at present in the Budget Cannot this surplus be used for reducing the rate of the postcard? Even if it cannot be, I consider that the income-tax payers of India would rather like to pay one pie more and see the rate of the postcard reduced (*An Honourable Member:*

5 P.M.

"Question") It may be, Sir, that some people may not like that idea, because one of my friends here has questioned it, but all the same, I think I am voicing the popular opinion, when I say that many people will gladly like to pay an extra one pie by way of income-tax if the rate of the postcard can be reduced to help the poor people

Then it was said, on the last occasion, and it may be said today, that the reduction of the rate for postcards will not benefit the poorer classes of this country, and I know that my friend will quote Mr Joshi on this point But it is no use quoting him After all, the income-tax comes from the middle classes, and you can raise the income-tax which will be realised from the middle classes if you think that these postcards are used largely by them If we were to find out what part of the revenues of the country is contributed by the middle classes, and if an attempt were made to apportion out to see what part is used in respect of such departments as are more useful to the middle classes, I don't think this sort of computation or accounting would lead to the result that the interests of the middle classes are not considered by the Government Even if it does not benefit the poorer classes, I may here say on their behalf that the rate of the postcard should be reduced I do not think that this year the rates can or will be reduced I know that the Government can carry the day, but I can certainly predict that when the representatives of the poorer classes of my countrymen come to this House, they will reduce the rate of the postcard as a first measure, and as my friend says, they will restore the price to its former rate, and there is much significance in what he says I am sorry that the interests of the poor people are not properly looked after by the Government The Government cannot realise that a person who earns six pice per day, whenever he has occasion to use a postcard, is hard put to it, and it is most unfortunate that Government should treat measures of this character with such light-heartedness I appeal to all Members of this House, especially to the non-official elected Members, to vote in favour of this amendment, keeping in view the interests of the poorer classes

Mr. Amar Nath Dutt: Sir, there is a similar amendment standing in my name, and in supporting this I shall be very brief The arguments I have already adduced to reduce postage of letters apply *mutatis mutandis* to the case of postcards with greater force, because postcards are used by the poorest amongst us Sir, while I yield to none in my appreciation of what has been done by the Honourable Member in charge of the Department for the amelioration of the service conditions of the lower paid subordinate staff of the Postal Department, and also, while appreciating the boon which he has conferred during his tenure of office upon his own countrymen in the shape of opening thousands of post offices, I must point out that the figures which he quoted, which are quoted every year in this House may be characterised in the words of a former Finance Member as nothing but jugglery in figures These can be made to fit any theory the Honourable Member may choose to advance. That is the admission of an ex-Finance Minister, who now adorns the office of a Governor of a province He said, "I have in my Department men who can give figures in such a way as to mean anything". I trust the Honourable Member in charge was not in that department at that

[Mr Amar Nath Dutt]

time I have a shrewd suspicion about these figures We do not get the real details They proceed on the assumption that certain expenses must be incurred, and they ask us to give the money That is not the proper way I beg to submit that at least this question of the postcard should not be lightly treated by any Member, be he an Indian or an European, because it affects the poorest in the country and I hope every one of us will vote for this amendment

The Revd. J. C. Chatterjee (Nominated Indian Christians) I oppose the motion for one particular reason and it is this, that the Postal Department is at present working on a large deficit, and I believe that, if we cut down the income of the Postal Department by any method, then certain very necessary improvement in the pay and allowances of the subordinate staff, especially postmen and others, who do the hardest work in the Postal Department and in the service of the country cannot be effected There are a large number of postmen who work from day to day, whether it is in the heat or whether it is in the biting cold of the winter, in rain or sunshine They go on every day of the year from door to door and do their work with great honesty and with great efficiency I have experience of their needs as I am in personal contact with them They are not receiving the salaries which they ought to receive, especially in large cities, for example in a place like Delhi The allowances which they get in a city like Delhi for house accommodation are very small They get two or three rupees I ask Honourable Members if it is possible for a man to get a decent house or even a house in which he can squeeze in a moderate family at that rate It may be said that the allowance is only to help him His salary ranges between Rs 20 and Rs 25 and does not go beyond Rs 25 Some of them are literate and have even passed the Matriculation examination How can they manage to live in decency or reasonable comfort on that salary or allowances? Therefore I feel that, if we cut down the income of the Post Office, it will be impossible to give any relief to these men Sir, I yield to none in my sympathy with the hardships of the poor I can claim without exaggeration that I am as much in contact with the poor, even extremely poor people, as my friend Mr Thakur Das Bhargava, but I have not as yet heard of a poor man complaining about the price of postcards

Mr. President: I think the Honourable Member in charge is quite able to defend himself.

The Revd. J. C. Chatterjee: I am only pointing out that it is not correct to say that there is any real burden on the poor man owing to the cost of postcards, for the simple reason that the poor man does not write many postcards He probably uses a postcard once in six months, or once in a year, but I have never heard him complaining of the price of the postcard There are a great many other things of which the poor man complains, he complains of lack of house accommodation, of the high price of food or clothes. I have honestly never heard of a man complaining of the price of a postcard He sometimes pays much more to have a card written for him That being so, I think it is very much better not to decrease the price of the postcards, because nobody is really overburdened by the present price of the postcard, whereas the revenue of

the Post Office, if maintained, will really benefit the lower paid staff and especially the postmen, mail runners, sorters and humble public servants of the Postal Department

Pandit Nilakantha Das: While I was listening with attention to the speech of my Honourable friend opposite, I seem to have heard him say that the post offices are growing in numbers and that is being done on account of the income from postcards and envelopes Will he kindly explain how the increase of post offices does not produce more and more money, the Postal Department being a commercial department? The percentage of profit ought to grow with expanse of the market in any commercial concern Does he not proceed on this principle? Should he go on increasing the post offices more and more at the cost of the tax-payer? That is the question which I want to ask my Honourable friend, the Member in charge of the Postal Department

The Honourable Sir Bhupendra Nath Mitra: I am afraid my friend Pandit Thakur Das Bhargava is very unkind to me He pays no attention to what I say every year on this subject of the reduction of the post card rate This year again he has tried to argue from the fact that there was a large drop in the consumption of postcards in the year 1922-23, that that reduction was due to the doubling of the post card rate as a result of which the poor man ceased to partake in a large measure of that facility As I have explained on previous occasions, that drop was really due to trade depression and slackness in business which supervened on the trade boom that followed the Armistice It is for a similar reason that there has been a fall in the revenue of the Postal and Telegraph Department in the last two years To that I have already referred when I was dealing with the first amendment of my friend Mr Amar Nath Dutt That fact also answers the question which has been put to me by my friend Mr Nilakantha Das It is true that we have opened additional post offices and thereby offered extended facilities in rural areas, but owing to the trade depression the letters and post cards conveyed by the department have not shown the anticipated growth and that has affected the revenue That fact also supports the unsoundness of the proposition placed before the House by my friend Mr Thakur Das Bhargava Now, if it is true that the poor man makes considerable use of the post card, then the fact that we have increased the number of post offices in rural areas in the last five years should have helped us appreciably in the matter of our revenue But the correct position in regard to the poor man has already been explained by my Honourable friend Revd Chatterjee; and the same attitude has been taken on previous occasions by various other Members in this House, including my Honourable friend Mr N M. Joshi, who are all familiar with the requirements of the poor man The point is that the poor man does not possess the requisite degree of literacy and therefore it is not possible for him to make any extensive use of the post card

I fully realise the real character of this debate That was explained by my Honourable friend Mr Aney to whom I am grateful for the kind words he said about me It is the registration of an annual protest which may some day lead to a reduction in the post card rate When financial

[Sir Bhupendra Nath Mitra]

quilibrium has again been restored in the department, and the outstand- ng demands of the lower subordinate staff have been complied with to a easonable extent, I hope the time will come for some reduction in the ost card rate My Honourable friend Pandit Thakur Das Bhargava also aid that when Honourable Members on the opposite side came and occupied hese Benches they would forthwith reduce the post card rate I would sk my Honourable friends opposite to ponder over that proposition a it I think my Honourable friend Sir Hugh Cocke the other day referred o the fact that in England the Post Office now yields a profit of some- ing like £9 millions But even so, the Labour Government there have ot thought it appropriate to bring down the post card rate or any ostage rate in that country I think in that connection I quoted on a revious occasion from a speech of Mr Snowden where he definitely ex- lained why these postal rates could not be brought down

I am sorry that my Honourable friend Mr Bhargava did me an in- istice; for I certainly did not appeal to my Honourable friends opposite hat out of deference to me they should turn down this proposition All said was this: that in view of the action that they have consistently aken in this matter of the improvement of the service conditions of ne lower subordinate staff in the department, they should turn down this mendment Sir, the acceptance of this amendment would cost about 0 lakhs a year and I cannot possibly accept it

Mr. President: The question is:

"That in Schedule II to the Bill, in the proposed First Schedule to the Indian Post ffice Act, 1898, for the entries under the head *'Postcards'* the following be substi- ted

'Single	.	.		Quarter of an anna
Reply	..	...	...	Half an anna' "

The Assembly divided:

AYES—33.

Abdul Matin Chaudhury, Maulvi
Agnihotri, Mr K B L
Aney, Mr M S
Ayyangar, Mr K V Rangaswami
Bhargava, Pandit Thakur Das
Chettiyar, Rao Bahadur P T Kumaraswami
Das, Pandit Nilakantha
Dutt, Mr Amar Nath
Dutta, Rai Bahadur S C
Farookhi, Mr Abdul Latif Saheb
Gour, Sir Hari Singh
Gulab Singh, Sardar
Iswar Saran, Munshi
Kidwai, Sheikh Mushir Husain
Lalchand Navalrai, Mr
Malaviya, Pandit Krishna Kant
Mitra, Mr S C.
Mukerjee, Mr Saradindu
Murtuza Saheb Bahadur, Maulvi Sayyid
Neogy, Mr K C
Rajan Bakhsh Shah, Khan Bahadur Makhdum Syed
Rang Behari Lal, Lala
Ranga Iyer, Mr C S
Sarda, Rai Sahib Harbilas
Singh, Kumar Rananjaya
Singh, Mr Adit Prasad
Singh, Mr Gaya Prasad
Sinha, Kumar Ganganand
Sinha, Mr Rajivaranjan Prasad
Sitaramaraju, Mr B
Talatuley, Mr S D
Venkatakrishnayya Choudhri, Mr P.
Ziauddin Ahmad, Dr

Abdul Aziz, Khan Bahadur Mian
Abdul Qaiyum, Nawab Sir Sahibzada
Alexander, Mr W
Anwar-ul Azim, Mr
Banarji, Mr Rajnarayan
Baum, Mr E F
Chatterjee, The Revd. J C
Cosgrave, Mr W A.
Crawford, Colonel J D
Crerar, The Honourable Sir James
Dalal, Dr R D
Ferrers, Mr V M
French, Mr J C
Ghazanfar Ali Khan, Raja.
Ghuznavi, Mr A H
Gidney, Lieut.-Colonel H A J
Gwynne, Mr C W
Hamilton, Mr K L B
Hardy, Mr G S
Heathcote, Mr L V
Hira Singh Brar, Sardar Bahadur, Honorary Captain
Howell Mr E B
Ismail Khan, Mr Muhammad
Jawahar Singh, Sardar Bahadur Sardar
Lamb, Mr W S
Lindsay, Sir Darcy
Mitchell, Mr D G
Mitra, The Honourable Sir Bhupendra Nath
Mitter, The Honourable Sir Brojendra.
Mohammad Ismail Khan, Haji Chaudhury
Monteath, Mr J.
Moore, Mr Arthur
Mukherjee, Rai Bahadur S C
Noyce, Sir Frank
Pai, Mr A Upendra
Parsons, Mr A A. L
Rahimtulla, Mr Fazal Ibrahim.
Rainy, The Honourable Sir George
Rajah, Rao Bahadur M C
Rau, Mr H Shankar
Row, Mr. K C
Sahi, Mr Ram Prashad Narayan
Sams, Mr H. A.
Schuster, The Honourable Sir George
Scott, Mr J Ramsay.
Slater, Mr S H
Sykes, Mr E F.
Tin Tut, Mr
Yakub, Maulvi Muhammad
Yamin Khan, Mr Muhammad
Young, Mr G M.

The motion was negatived

Schedule II was added to the Bill

Mr. President: The question is·

"The Schedule III stand part of the Bill"

Mr. Amar Nath Dutt· Sir, I beg to move the amendment that stands in my name and which runs as follows

"That for Part I.A of Schedule III to the Bill the following be substituted·

PART I.

Rates of Income tax

A In the case of every individual, Hindu undivided family, unregistered firm and other association of individuals not being a registered firm or a company—

	Rate
(1) When the total income is less than Rs 5,000 . .	*Nil*
(2) When the total income is Rs. 5,000 or upwards, but is less than Rs 10,000	Four pies in the rupee.
(3) When the total income is Rs 10,000 or upwards, but is less than Rs 15,000.	Five pies in the rupee.
(4) When the total income is Rs 15,000 or upwards, but is less than Rs 20,000.	Six pies in the rupee.
(5) When the total income is Rs 20,000 or upwards, but is less than Rs. 30,000.	Nine pies in the rupee
(6) When the total income is Rs. 30,000 or upwards, but is less than Rs 40,000	One anna in the rupee.
(7) When the total income is Rs 40,000 or upwards	One anna and six pies in the rupee."

[Mr Amar Nath Dutt |

Sir, when submitting this amendment to the Schedule with reference to the Income-tax Act, I carefully considered the income of the several classes of the Indian people before putting down at what rates they ought to be taxed My first difference with Government as regards the Schedule is with respect to incomes between Rs 2,000 and Rs 5,000. They want to tax the people whose income is over Rs 2,000, that is, whose income is less than even Rs 175 per month, but I want that people whose income is just slightly over Rs 400 should not be taxed, but people drawing Rs 425 and over may be taxed My reason is this, ordinarily a gentleman having two or three children and a wife, a daughter to educate and two sons to be sent to college can hardly maintain himself and his family with Rs 400 a month And he already pays several taxes to Government in the shape of land revenue, house rent and so forth Income-tax should be assessed only upon such people who do not pay any tax for the maintenance of the Government of the country, but in India these people generally pay various other taxes and they are hard-pressed for this income-tax So I ask that people whose income is below Rs 400 a month should not pay any income-tax at all Then the difference is with respect to those who belong to a class whose income varies from Rs 400 to Rs 800, that is to say, from Rs 5,000 to Rs 10,000 a year For them I would not have any rate save and except 4 pies in the rupee I consider that to be rather a high rate, but as Government at the present moment require money, and the Finance Member has to find out ways and means in the shape of some Tariff Bill, I would not exempt these men, but they may be assessed at 4 pies in the rupee

With respect to those getting more than Rs 800 a month, and up to Rs 1,250, I may take them to be at least gentlemen who are well placed in life Considering our Indian standard of life, we may say that a gentleman who draws Rs 1,000 a month is well placed in life and he can be asked to pay at the rate of 5 pies in the rupee (*Munshi Iswar Saran* "Question ") Of course there are different standards of living For gentlemen who have to go abroad every year and live for six months in the cold climate of England and enjoy the company of white men and women instead of their own countrymen, an income of Rs 1,000 or even Rs 10,000 may be nothing I know crores of money have been spent in that way Then people whose income is between Rs 15,000 and Rs 20,000 may pay six pies in the rupee Then I come to people whose income is between Rs 20,000 and Rs 30,000 a year These are generally men of the class or classes similar to those who have risen to the rank of District Magistrates and District Judges from the rank of Deputy Magistrates or Munsiffs and have been fortunate enough to get listed appointments At one time their income was Rs 250 or 300 a month, and so they can afford to pay some income-tax They can pay a little more income-tax, nine pies in the rupee People who get more than Rs 2,500 a month are rich men, and they may be taxed one anna in the rupee I have no objection to these rich people being taxed at that rate Then with regard to people who get more than Rs 40,000 a year, that is people like High Court Judges, Secretaries to Government, etc , people who draw Rs 4,000 a month or over, should be taxed certainly at the rate of one anna and six pies in the rupee In support of these figures, I think, Sir, I need hardly waste the time of the House by saying anything more,

because an elaborate examination of the reports of the debates of the Legislative Assembly will show the reason why we ask for a reduction of this tax every year, and I think I need not waste the time of the House by repeating the same arguments year after year. But when I put these figures before the Honourable the Finance Member, I can assure him that I have carefully considered the matter and come to these rates which no reasonable man can decline to accept

The Honourable Sir George Schuster: Sir, I have calculated what would be the cost of the amendment proposed by my Honourable friend. It would reduce our receipts from income-tax by 325 7 lakhs on the basis of the statistics for 1928-29 I do not feel, Sir, that it is necessary really to do more than to state that bare fact Instead of getting an additional revenue from income-tax we should lose this very large sum and the finances of the Government could not be carried on on that basis I dealt with an amendment of this kind last year in the course of the debate on the Finance Bill, and pointed out that the limit of exemption stands considerably lower in England than it does in India I do not think that any case has been made out for raising that limit Of course, every tax is an objectionable measure But if money has to be found, I think the present income-tax is a very fair way of raising a part at least of what is required to meet the Government's expenditure Sir, I must oppose the amendment

Mr. President: The question I have to put is·

"That for Part I A of Schedule III to the Bill the following be substituted

"PART I

Rates of Income-tax

A. In the case of every individual, Hindu undivided family, unregistered firm and other association of individuals not being a registered firm or a company—	Rate
(1) When the total income is less than Rs 5,000 .	*Nil*
(2) When the total income is Rs 5,000 or upwards, but is less than Rs 10,000	Four pies in the rupee.
(3) When the total income is Rs 10,000 or upwards, but is less than Rs 15,000	Five pies in the rupee .
(4) When the total income is Rs 15,000 or upwards, but is less than Rs 20,000	Six pies in the rupee
(5) When the total income is Rs 20,000 or upwards, but is less than Rs 30,000.	Nine pies in the rupee.
(6) When the total income is Rs 30,000 or upwards, but is less than Rs. 40,000	One anna in the rupee
(7) When the total income is Rs 40,000 or upwards .	One anna and six pies in the rupee "

The motion was negatived

Pandit Thakur Das Bhargava: I do not move amendment No. 32.*

Rai Bahadur S. C. Dutta: Sir, I move

"That in Part I-A of Schedule III to the Bill, in entry (1), for the word and figures 'Rs 2,000' the word and figures 'Rs 3,600' be substituted "

I only wish to add that the cost of living has altogether increased The house rents in towns have increased, municipal rates and cesses have

*"In Part I-A of Schedule III to the Bill, the words 'Hindu undivided family' be omitted."

[Rai Bahadur S C Dutta]

increased, prices of food-stuffs and other things have also increased, so there is a case for raising the minimum exemption

The motion was negatived

Pandit Thakur Das Bhargava: Sir, I beg to move.

"That in Part I A of Schedule III to the Bill, the following be added to entry (1)

'But in case of Hindu undivided family when the total income is less than Rs 4,000 *Nil*

and consequential amendments be made in entry (2)' "

I take this opportunity of thanking the Honourable the Law Member for the kind sympathy that he has been pleased to show to the main proposition I moved while considering the Finance Bill This particular amendment proceeds upon the policy which the Government themselves have accepted in regard to super tax As the House is well aware, the Government have made this concession in regard to super-tax in favour of the Hindu undivided family, though they have regarded the minimum income as Rs 75 000 instead of Rs 50,000 Now, I do not think there is any undivided family which has got members less than two in number, so that if there are two members, then the minimum income comes to Rs 2,000 which is the minimum income for all others Therefore, I am submitting that if this amendment is accepted by the Government, they do not decrease the minimum taxable income of the individual Now, Sir, I understand that this will involve something like 25 lakhs or so But, Sir, this is exactly the premium which the law lays upon the separation of the Hindu family by the Income-tax Act If it is realised that this matter in the Income-tax Act is a sort of penalty to the Hindu undivided family, I would submit that the amount involved is not material I have purposely refrained from sending in amendments to the other parts of this Schedule, whereas they would have been quite relevant and perfectly consistent with the main purpose of this amendment when they related to incomes of more than Rs 4,000 But that I have purposely done because I understand that the Government have been pleased to go into this matter But as that policy will take some three or four years, I made bold to suggest this amendment now as this will bring relief to the poorest families of the Hindus If a Hindu has got an income of Rs 2,000 and if a family has got its income of Rs 2,000 and there are five members constituting the family that means you are taxing an individual who is getting only Rs 35 a month while in any other case you cannot tax any undivided family unless an individual gets an income of about Rs 183 a month I would therefore submit that as a fair test of becoming justice in regard to the Hindu families, this amendment may be accepted by the House.

The Honourable Sir George Schuster: Sir, as regards the loss of revenue involved, I understand that my friend is moving the second of the three amendments standing under No 34 I think my Honourable friend is about right in his estimate of the loss of revenue According to the figures of 1928-29, it would be just under 20 lakhs Sir, I have always been myself in a difficulty in dealing with this question which has come up several times before, for I have always found myself unable to understand the argument which is advanced in this case I appreciate that in certain cases, there may be hardship to an Hindu undivided family and

those cases we propose to examine But in the ordinary case, any ordinary head of a family, as I pointed out in the debate the other day, may have wife and two or three children The whole of the income comes in his own name and he has to pay tax on that income. He gets no allowance in respect of his wife or his children and I fail to see why, in the case of a Hindu undivided family, the total income of the family should be split up into shares, whereas in the case of an ordinary family, if the income is that of the head of the family, it should be treated as income of one man only

I feel that if the arguments on which my Honourable friend has based his proposal were to be accepted, a great deal of injustice would be done to other families That, Sir, is the sort of point which will have to be discussed when advantage is taken of the promise made by my Honourable colleague, the Law Member, that a Bill should be put up and discussed between the proposers and the Government and eventually circulated for opinion In the meanwhile, Sir, although anxious to do justice when it is possible or rather to remove an injustice whenever it is possible, I am afraid that I must on behalf of the Government oppose this amendment.

Mr President: The question is

"That in Part I A of Schedule III to the Bill the following be added to entry (1)

'But in case of Hindu undivided family when the total income is less than Rs 4,000 *Nil*'

and consequential amendments be made in entry (2)"

The motion was negatived

Pandit Thakur Das Bhargava. Sir, I beg to move that

'That in Part I A of Schedule III to the Bill the following be added to entry (1) -

'But in case of Hindu undivided family when the total income is less than Rs 3,000 *Nil*'

and consequential amendments be made in entry (2)"

Sir, I have been hearing the views of the Honourable the Finance Member on this point, and I understand that he feels some difficulty in accepting the principle of the proposal which I have been submitting for his consideration every year Now, I may point out a case in which an individual is getting an income of Rs 3,000 contributed by his sons or daughters In that case it is individual income, so far as this income is concerned This is his own income and the man will not be free from being taxed on account merely of the fact that he belongs to an undivided Hindu family But so far as the joint ancestral property is concerned, it may be that in that property a man may acquire some sort of title or interest by birth May I just illustrate my point by referring to a family in which there are two or three earning members In that case, Sir, it might happen that their joint income, the income of three or four members, may come up to Rs 2,000, in that case they may have usually their wives, children and all of them living together, but all the same their income would be added together and they will be taxed as a Hindu undivided family It is in regard to this case that hardship occurs Now, Sir, so far as the principle of this amendment is concerned, Government themselves are committed to it As I submitted in reference to my last amendment what they propose in relation to the super-tax applies on all fours to the present case.

[Pandit Thakur Das Bhargava]

In the case of super-tax under Part II of Schedule III, the rates proposed are:

"In the case of every Hindu undivided family.

(i) in respect of the first twenty-five thousand rupees of the excess	*Nil.*
(ii) for every rupee of the next twenty-five thousand rupees of such excess	One anna and one pie in the rupee"

So that they themselves have fully realised the justice of the case and have raised the minimum taxable income of a Hindu undivided family by 50 per cent Now, this is exactly what I ask in relation to poor families So what justification is there for making that sort of concession in regard to rich families who have to pay super-tax and not extending the same thing to poor families whose income is less than Rs 3,000? My humble submission is that it will not be difficult for a rich family to pay income-tax and even super-tax, however unjust it may be, but in regard to the poor man it will be very difficult even to pay income-tax I would therefore beg the Honourable the Finance Member to accept my amendment So far as this particular amendment is concerned, he cannot meet it with the argument which he has been pleased to place before the House in relation to my previous amendment Sir, I move

The Honourable Sir George Schuster: Sir, I do not wish to enter into any lengthy discussion of this question at this moment I hope there will be an opportunity afforded fully to thresh out the several aspects of this question if we follow the procedure suggested by my Honourable Colleague, the Law Member I fully recognise that the Honourable the Mover of this amendment has a certain amount to say on his side if his argument is that the present system is illogical I quite agree it is illogical that in the case of income-tax no distinction should be made whereas in the case of super-tax a distinction is made between a Hindu undivided family and an ordinary individual, but I am afraid that the acceptance of that lack of logic in the present system cannot induce me to accept the present amendment I feel that the whole matter requires a great deal of further study before we can deal with it My Honourable friend said that, in the case of several adult members of one family each of whom is earning an income, all the income will be pooled together and taxed accordingly. But according to my information, the earned income of a member of a Hindu undivided family is not ordinarily combined with the family income for the purposes of assessment I understand that it may be so combined if the member of the family has received a special education at the cost of the family and if the income is earned by virtue of the qualifications which that special education has given him, but in other cases, according to my information, the individual earnings of each member are treated separately However, this is a matter which will be inquired into, and I submit to this House that a great deal of study is necessary before we can tackle this matter If cases of that sort of injustice do exist, those are cases which might be remedied, but on the other hand I would point out to my Honourable friend, in support of what I have said before, if you take the case of an ordinary father with one infant child who is earning no income at all, that would constitute a family of two as he says, and I cannot see why, in the case of a Hindu family of that kind, the income should be treated as divided into two shares, whereas in the case of a

non-Hindu family, it should be treated as the income of the head of the family That is the point which I was making However, I do not intend to carry the argument any further now The amendment which we now have before us would cost rather over Rs 10 lakhs, and until this matter is further examined, I am afraid, that, on behalf of the Government, I must oppose it

Mr. President: The question is

"That in Part I-A of Schedule III to the Bill the following be added to entry (1) .

'But in case of Hindu undivided family when the total income is less than Rs 3,000 *Nil* '

and consequential amendments be made in entry (2) "

The Assembly divided

(At this stage Mr President vacated the Chair which was taken by Mr Deputy President)

AYES—25

Abdul Matin Chaudhury, Maulvi	Mukerjee, Mr Saradindu
Agnihotri, Mr K B L	Murtuza Saheb Bahadur, Maulvi Sayyid
Aney, Mr M S	Rang Behari Lal, Lala
Ayyangar, Mr K V Rangaswami	Reddi, Mr T N Ramakrishna
Bhargava, Pandit Thakur Das	Sarda, Rai Sahib Harbilas
Das, Pandit Nilakantha	Singh, Kumar Rananjaya
Dutt, Mr Amar Nath	Singh, Mr Adit Prasad
Gour, Sir Hari Singh	Sinha, Kumar Ganganand
Gulab Singh, Sardar	Sinha, Mr Rajivaranjan Prasad
Lalchand Navalrai, Mr	Sitaramaraju, Mr B
Malaviya Pandit Krishna Kant	Tantuley, Mr S D
Mitra, Mr S C	Venkatakrishnayya Choudhri, Mr P
Mohammad Ismail Khan, Haji Chaudhury	

NOES—51

Abdoola Haroon, Haji	Lindsay, Sir Darcy
Abdul Aziz, Khan Bahadur Mian	Mitchell, Mr D G
Abdul Qaiyum, Nawab Sir Sahibzada	Mitra, The Honourable Sir Bhupendra Nath
Alexander, Mr W	Mitter, The Honourable Sir Brojendra.
Banarji, Mr Rajnarayan	Mody, Mr H P
Baum, Mr E F	Monteath, Mr J
Chatterjee, The Revd J C	Moore, Mr Arthur
Chetty, Mr R K Shanmukham	Mukherjee, Rai Bahadur S C
Cocke, Sir Hugh	Noyce, Sir Frank
Cosgrave, Mr W A	Pai, Mr A Upendra
Crawford, Colonel J D	Parsons, Mr A A L
Crerar, The Honourable Sir James	Purshotamdas Thakurdas, Sir
Dalal, Dr R D.	Rainy, The Honourable Sir George.
Ferrers, Mr V M.	Rajah, Rao Bahadur M C
French, Mr J C	Rajan Bakhsh Shah, Khan Bahadur Makhdum Syed
Ghazanfar Ali Khan, Raja	Rau, Mr H Shankar
Gidney, Lieut.-Colonel H A J	Sahi, Mr Ram Prashad Narayan
Gwynne, Mr C W	Sams, Mr H A
Hamilton, Mr K L B	Schuster, The Honourable Sir George.
Hardy, Mr G S	Scott, Mr. J Ramsay
Heathcote, Mr L V	Slater, Mr S H
Hira Singh Brar, Sardar Bahadur, Honorary Captain	Sykes, Mr E F
Howell, Mr E B	Tin Tut, Mr
Jawahar Singh, Sardar Bahadur Sardar	Yamin Khan, Mr Muhammad.
Jehangir, Sir Cowasji	Young, Mr. G M
Lamb, Mr W S	

The motion was negatived.

Mr. Lalchand Navalrai (Sind Non-Muhammadan Rural) Sir, I beg to move.

"That in Part I-A of Schedule III to the Bill for entries (2), (3), (4), (5), (6), (7) and (8) the following be substituted :

'(2) When the total income is Rs 2,000 or upwards Five pies in the rupee' "

Sir, the present income-tax incidence is on a graded scale. It is a scale which rises from 5 pies to one anna and six pies It is
6 P.M. five pies on a total income of Rs 2,000 or upwards but less than Rs 5,000, it is six pies in the rupee on a total income from Rs 5,000 up to less than Rs. 10,000, nine pies in the rupee on an income between Rs 10,000 to Rs 20,000, one anna in the rupee on a total income of Rs 20,000 to Rs 30,000, one anna and three pies in the rupee on Rs 30,000 to Rs 40,000, and one anna six pies in the rupee on an income of Rs 40,000 or upwards Now, Sir, my amendment is that the income-tax should be calculated at the rate of only five pies in the rupee on all income and there should be only one flat rate, and not on a grade scale as at present existing Sir, it may be said that my amendment is a novel one and without a precedent, and as such it should not have been made But if the House will bear with me for a brief few minutes, and if they are open to conviction, I shall be able to satisfy them that there is a precedent, that income-tax was levied at only one rate up to the year 1916, and incidence of the tax also was not so high as it is now Now, Sir, it may be said that the income-tax is a direct tax and some of the English economists have said that a direct tax is better than an indirect tax This may be true in countries which are rolling in gold and whose resources are not exploited and where people are living happily, but it is not true of a country like India where the resources are all exploited, where industries are not at all supported and where the majority of the people live from hand to mouth In a country like this, to have income tax is tantamount to oppression, and if the incidence is unjust as it is at present, it is certainly very objectionable and goes to ruin the country

Sir Hugh Cocke (Bombay European) I am extremely sympathetic to the Honourable Member's amendment, but may I ask him now it is going to help the masses?

Mr. Lalchand Navalrai: I know the difficulties of the Government, but that is no reason for their not doing the thing to which they are pledged I will presently show you that, before the war, the incidence was only 5 pies in the rupee There was only one scale If the income-tax was raised for the purpose of war exigencies, why is it that Government have not done anything for the last 14 years to revert to the method of income-tax which existed up to 1915?

Sir Hugh Cocke: My question was how this was going to help the masses The income-tax is not a tax on the masses at all

Mr. Lalchand Navalrai: I think it is a mistake to say that it is not a tax on the masses In this country an income of Rs 2,000 is not the income of a rich man I would go further and say that it is certainly the income of a poor man if the living and other expenses of people are taking into account It is not only the income that you have got to consider You are charging on the gross income, and you do not consider

how many children the man has, what his family is and what his expenses are Those are the considerations that you have to bear in mind. I would also be able to show to the House on the same reasoning, that even the income of Rs 15,000 cannot be said to be the income of a very rich man

Now, Sir, I want to tell the House that the income-tax incidence is a very high one I have certainly my sympathy for the Honourable the Finance Member I submit that it is not his fault as he has joined his office lately I do have sympathy with him on that account, but I certainly cannot congratulate him on his increasing the incidence now When we tell him that there should be a reduction, his reply is, "How are the expenses of Government to be carried on?" There are several ways of reducing expenditure In a country like India, where taxation is already very high and where the new taxation is considered oppressive and is operating as a great hardship, why should new taxes be raised?

Now, Sir, I will show you what the history of the income-tax is, and what has been its incidence The income-tax commenced in the year 1860, and it commenced with an incidence of 2 per cent My contention that it should not be graded and that it should be flat five pies in the rupee will be borne out by this history In 1860, it was 2 per cent In 1862 it was raised to 4 per cent In 1863 it was reduced to 3 per cent In 1865, there was a great stir, and Government had to yield to it and it was abandoned In 1867 again it reappeared as the licence tax at 2 per cent Then in 1868 it became a certificate tax In 1869 it became income-tax again, but the incidence was only one per cent In 1873 it was totally abolished, but it was revived in 1877 It was governed by local Acts till 1886, when the Central Legislature came in and an all-India Income-tax Act came into existence What do we find in 1886? In 1886 we find that income was assessed at 5 pies in the rupee, and that continued till 1915 Now, in the Manual of Income-tax you will find that from 1886 to 1915, Rs 2,000 to Rs 5,000 were assessed at 5 pies in the rupee, Rs 5,000 to Rs 10,000 at 5 pies in the rupee, Rs 10,000 to Rs 25,000 at five pies in the rupee, Rs 25,000 upwards also at five pies in the rupee Thus there was one rate and it continued until 1915 Then, Sir, the war began and during the war there was a revision made Government came with an appeal to the House to raise it and they raised it and raised it abnormally The Legislature agreed and came to the help of the Government at a time of distress It is only after their distress is over that we are distressed by the Government Since then, representations have been made and they have not been heeded at all I submit that that is not reasonable at all Now, Sir, to proceed with the history of this income-tax This uniformity of tax was done away with in 1916 In the place of five pies on incomes of Rs 2,000 to Rs 5,000, the old position was maintained. On incomes between Rs 5,000 and Rs 10,000 it was made into six pies Then, from Rs 10,000 to Rs 25,000 it was at once raised to nine pies From Rs 25,000 and upwards it was raised from five pies uniform rate into 12 pies

(At this stage Mr President resumed the Chair)

This was in 1916 It went on up to 1918 In 1918 again there was a revision made and some pies were increased In 1921 again where it was 12 pies in the rupee, they made it into 14 pies, and where it was 14 pies, they made it into 16

[Mr Lalchand Navalrai]

pies In 1929, again, it was increased in the place of 14 pies to 15 pies and in the case of 16 pies it was increased to 18 pies It will be observed, Sir, that the Honourable the Finance Member now makes an appeal in his Budget to increase the rate by one pie on incomes of Rs 15,000 and over That would bring it to 16 pies where it is 15, and where it is 18, it would bring it to 19 pies This is the history that I have placed before the House This shows clearly that there was a precedent before when there was a uniform rate At present the only reason for this increase is that there is a deficit If there is a deficit that can be met from many other ways, from retrenchment and from several other ways if the Honourable the Finance Member is pleased to consider it in that direction The income-tax is a very unpopular tax People are suffering very much from it and it is therefore not at all reasonable that it should be increased On the contrary, I submit in fairness and justice, just as history shows, just as the precedent shows and just as the distress of the country at present shows, it should be reduced I therefore submit that I have made out a case, and a very strong case for showing to the House that five pies was the uniform rate before the war and that after the war the income-tax has increased by leaps and bounds and that it should be brought to the pre-war level, by accepting my amendment

Mr. President: Is there any income-tax in the Indian States?

Mr. Lalchand Navalrai: I do not know, Sir

Sir Hugh Cocke: Sir, it is hardly considerate for the Honourable Member at this hour of the sixth day of the week to get up and make a suggestion of this sort and to go into the history of income-tax rates during the last ten years I thought that the Honourable Member was going to make a humourous speech as his amendment is obviously a humourous one, for he suggests the altering of the income-tax rates, which at present range from five pies in the rupee to one anna seven pies in the rupee, into a flat rate of five pies in the rupee He spoke of benefiting the masses, as if any of the masses were interested in this proposal at all If the Honourable Member wants to give any relief to the lower paid people who are subject to income-tax, why does he not limit his proposition to Item II? But he brings down the whole of the rates on Items 2 to 8, to five pies, so that the man in receipt of an income of Rs 50,000 who now pays, and who can very well pay a tax at the rate of one anna seven pies in the rupee, should be taxed at five pies It is obviously a ludicrous suggestion and it would cost the Government many crores of rupees

Pandit Nilakantha Das: I am not here to make a speech on the amendment, but some points arose incidentally on which I feel inclined to explain to the House what the real situation is. The Honourable Member from the European Benches stated that the poorer man does not pay any income-tax My Honourable friend Mr Lalchand Navalrai contended that those who earn Rs 2,000 a year are poor men, and therefore the income-tax falls on poor men Yes, it is something to say that the poor man is taxed, but actually the man earning more than Rs 2,000 must not be said to be a very poor man in this country. But as a matter of fact, the theory is that all taxes percolate down to the poor man and they are realised from the poor man in the long run. This theory is a truism When, for instance, we propose an increment of pay of the officials, don't we take into account the income-tax which those officials

have got to pay? Does not the merchant pay the income-tax out of his earnings out of the pockets of the poor man ultimately, and does he not take that into account at the time of fixing prices? Thus in every item of income we tax do we not ultimately realise the tax money from the poorest of the land, though directly we do not tax the poor man? And a real economic insight into the subject will make it clear that all taxes that we levy are ultimately realised from the poor man

But I wish to give you here a particular instance which I know, where the poor man, the poorest of the poor, directly pays the income-tax I have experience in my constituency of some very rich men who are money-lenders and they are taxed very heavily on account of their great income in interest As I was saying the other day, Sir, these are the people who are selected by our officials, and officially minded non-officials sometimes to serve as members on banking committees, on co-operative societies and co-operative banks, and these are the people who are known as bankers and men who can deal with economic problems of the country, and what do they do? My own relatives and my own servants have often approached them for loans, big or small What do they do? At the outset these money-lenders say, "Before you take this loan, say of Rs 200 or Rs 500, you must pay the income-tax" Before the loan is given, some percentage is deducted for the prospective payment of income-tax, so that if the borrower writes the bond, say for Rs 1,000 he gets only, say about Rs 940 or so This is the custom that has been going on amongst the money-lenders I daresay and I know as a matter of fact many of our money-lenders are used to this vicious practice and a money-lender is a money-lender after all all over India, and mostly we depend on money-lenders for this income-tax Now, my Honourable friends will realise that directly the poorest of the poor, the most needy who ought to be helped by the Government in every way and the indebted peasants are the persons who pay this tax Therefore the argument that the poor man does not pay this income-tax either directly or indirectly has no meaning Realising this, I think, my Honourable friends will be guided in their votes

The Honourable Sir George Schuster: Sir, I need only add to this discussion a plain statement of fact, that this particular amendment would cost the Government seven crores and 28 lakhs I think, Sir, that that puts it out of court as a practical proposition, however much we may desire to see reduction of taxation under all heads

Mr. President: The question is

"In part I-A of Schedule III to the Bill for entries (2), (3), (4), (5), (6), (7) and (8) the following be substituted

'(2) When the total income is Rs 2,000 or upwards Five pies in the rupee' "

The motion was negatived

Rai Bahadur S. C. Dutta: Sir, I beg to move:

"That in Part I A of Schedule III to the Bill for entry (2) the following be substituted

'(2) When the total income is Rs 2,000 or upwards, but is less than Rs 5,000 Three pies in the rupee'."

Sir, this is a very modest proposal and I hope this will be accepted by the House I need say only this in favour of its acceptance.

The Honourable Sir George Schuster: Sir, this amendment would cost Government 58¾ lakhs I am afraid that on that ground I must oppose it

Mr. President: The question is.

"That in part I A of Schedule III to the Bill for entry (2) the following be substituted

'(2) When the total income is Rs 2,000 or upwards, but is less than Rs 5,000	Three pies in the rupee' "

The motion was negatived

Mr. Saradindu Mukerjee (Calcutta Suburbs Non-Muhammadan Urban) Sir, my amendment does not touch the pockets of the Finance Member There is a great deal of chaos in the interpretation

Mr. President: Will the Honourable Member read the amendment first?

Mr. Saradindu Mukerjee: My amendment runs as follows

"In part I A of Schedule III to the Bill, in entries (2), (3), (4), (5), (6), (7) and (8), before the words 'total income', the words 'net and actual' be inserted "

The Honourable Sir George Schuster: Sir, I rise on a point of order I shall be very glad to discuss this amendment with the Honourable Member out of this House I would suggest however, on a point of order, that in a Bill which is a Bill to fix the rates of the tax, an amendment of this kind, which is going to alter the whole basis of assessment and which involves very complicated considerations and calculations of income is, strictly speaking, out of order I know, Sir, that on previous occasions you have been prepared to take a wide interpretation of what is in order But I would submit to you that, in the present case, as the time has got very late, and as this raises very complicated issues, my Honourable friend might be prepared not to move his amendment and to discuss the complicated issues involved with the Income-tax Department I would be very pleased to give him every assistance that I can to understand the matter but if he moves his amendment I shall be bound to oppose it

Mr. President: Is the Honourable Member satisfied with that?

Mr. Saradindu Mukerjee: My idea is that, if the Honourable the Finance Member gives instructions to the Department to interpret the total income properly, I may withdraw my amendment What I mean is that, in coming to the actual figure of income-tax, these Income-tax Officers all take upon themselves the role of Advocates-General, and instead of finding out the actual income the man has, they try to take advantage of a hypothetical income which he might have derived two or three years previously

Mr. President: The Honourable Member has heard what the Finance Member has said If he is satisfied, he need not move his amendment, otherwise he may move it

Mr. Saradindu Mukerjee: I have submitted to the Honourable the Finance Member that, if he gives orders to the Department I could meet them and explain my point of view, in which case I will be prepared not to move my amendment.

The Honourable Sir George Schuster: I have already said that I was prepared to arrange with the Income-tax Department to go fully into this matter with my Honourable friend I am not prepared to give any undertaking which would imply that the income is not being assessed in a proper manner now, and if that is what my Honourable friend wants, I am afraid I cannot give him such an undertaking But I would advise him to discuss the matter with the experts who are available here, and I think he will be prepared to modify his views on the subject

Mr. Saradindu Mukerjee: Very well, Sir I do not move my motion

Sir Hari Singh Gour (Central Provinces Hindi Divisions Non-Muhammadan) Sir, the amendment which stands in my name and which I now move runs as follows:

"In Part I A of Schedule III to the Bill for entries (4), (5), (6), (7) and (8) the following be substituted

'(4) When the total income is Rs 10,000 or upwards, but is less than Rs 20,000		Nine pies in the rupee,
(5) When the total income is Rs 20,000 or upwards, but is less than Rs 30,000		One anna in the rupee.
(6) When the total income is Rs 30,000 or upwards, but is less than Rs 40,000		One anna and three pies in the rupee
(7) When the total income is Rs 40 000 or upwards	.	One anna and six pies in the rupee'."

The purport of my amendment is to maintain the *status quo*, that is to say, the present rate of income-tax and super-tax, and with that object in view I have, as Honourable Members will find not only tabled this amendment but another amendment which has the same purpose in view I shall now give my reasons for asking Honourable Members to support this amendment As I have already submitted, I want that the income-tax and the super-tax should be levied at the same rate as has been in force hitherto, and there should be no increase of one pice either in the income-tax or in the super-tax My present amendment deals with income-tax but the reasons which I now give against the enhancement of the income-tax apply equally, *mutatis mutandis*, to the increase of super-tax I shall therefore make one speech and give the Honourable Members my reasons why there should be no increase at all

Sir, the House is aware of what I said at the general discussion of the Budget I then pointed out that a great deal of the deficit of which the Honourable Finance Member has complained is due to abnormal and transitory causes, and that the Retrenchment Officer who has been appointed to effect retrenchments on the civil side and the retrenchments that the Military Department are effecting in their own expenditure, ought to be sufficient for the purpose of balancing the Budget In any case I pointed out that the Finance Member has resisted any change of policy during the transitory stage through which the Government of India are passing He appealed to this House not to ask him or the Government of India to launch upon any large proposal for a change of policy pending the reforms consequent upon the report of the Statutory Commission, and on that ground he asked that there should be a political as well as an economic armistice If you do not wish to make any change of policy, do not also make any change in the rate of taxation But unfortunately while he is against any change of policy, he persists in saddling the country with additional taxation to the extent of 5 crores and odd We have therefore to

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fight the ground with him inch by inch, and I am afraid this is the last ditch But at the same time I hope Honourable Members will rise to the occasion and stand up like one man and resist this most odious burden which is sought to be thrown upon the tax-payers of this country Honourable Members are aware that the effect of the tax being levied upon one class or community does not rest upon that class or community at all It passes on,—this is one of the economic problems,—it passes on to the general community Take for instance, a very simple case If a doctor is in the habit of charging a fee of Rs 16 for a visit, and he has to pay a heavy income-tax and super-tax, he reimburses himself by immediately raising his fee to Rs 25, and a doctor who charges Rs 2 per visit raises his fee to Rs 3 And thus it goes on Therefore let Honourable Members once for all believe the great, grand economic truth that whatever may be the circle of people upon which the tax is immediately levied it is distributed like a small wave in the ocean It gets on expanding, expanding and expanding till it reaches the uttermost corners of the earth That is exactly how these taxes react upon the life of the nation at large. Therefore, let not any Member in this House for one moment remain in a state of delusion by thinking that this is a rich man's tax and the poor man is free from it, and therefore he need not give his helping hand to the relief of the rich man The interests of the rich and the poor in this respect are identical

Now, Sir, Honourable Members on the other side are aware and if they are not aware they will very soon be convinced, that the Indian Income-tax Act is not only about the most obnoxious but about the most inequitable Act that any Government could place upon the Statute-book I, Sir, as a responsible Member of this House, speaking with due reserve—and I have before me the Statutes of the United Kingdom, Australia, South Africa, Canada and the United States of America and I shall not weary this House by going through all of them—I wish to bring out a few salient points which will at once convince this House how unjust, inequitable and extortionate is the Indian Income-tax Act when compared let us say, with the income-tax and super-tax laws of the United Kingdom, and when we remember that this tax was placed permanently on the Statute-book in 1886 and the plausible reasons that were then given by the then Finance Member, they are the reasons which we have become accustomed to hear from his successors with as little credence as must have been given to the exponent of the law in 1886 What did he then say? Gentlemen, he said, this is the year of deficit The deficit is caused by the heavy fall of silver and also by our commitments in the Burmese war Moreover, he said, Russia is showing signs of aggression and therefore we have to fortify our frontiers and therefore we require about a crore of rupees, about £66,000, and therefore this tax is levied for these transitory causes That was the motive and the purpose for the enactment of general income-tax law in 1886 It was then never suggested that it was to be a permanent burden on the country It was a thin end of the wedge driven in 1886, inserted by Sir A Colvin, the Finance Member, who told the then Members of the Imperial Legislative Council that it was more or less a passing phase and the burden was necessitated by passing events But since 1886 the tax has remained and as the Honourable Member, Mr Lalchand Navalrai pointed out, it was at a small flat rate and consequently the people got used to it When they got used to it and the Government felt that they had now become sufficiently inured to it, they super-imposed upon the people of this country an additional burden in the shape of a super-tax, and

Honourable Members will remember the reasons which were given in 1917 for the levy of the super-tax The history of the super-tax will be found not in connection with the discussion of the Super-tax Act, but in connection with the discussions of the Finance Bill of that year, and Sir William Mayer, the then Finance Member, suggested the imposition of the super-tax as a war measure The Honourable Mr Sarma, afterwards a Member of the Executive Council said, well, if this is going to be a mere war measure, I will introduce an amendment to the effect that the Super-tax Act should last during the period of the war only and six months thereafter. But this was resisted by the Finance Member As a matter of form, he said it was much better to have a permanent statute and then repeal it than to have a statute limited for a certain time Consequently the opposition was disarmed and the Members of the old Imperial Council permitted the Super-tax Act to be passed What has been the result? The war was over in 1918 and it is now 12 years that the super-tax has been imposed and there is no sign either of its remission or of its reduction The old promises are forgotten The old reason that was given for the imposition of this tax is ignored and to add, as it were, insult to injury, the present Finance Member has the temerity to come before this House and ask the elected Members of the popular Chamber to perpetuate this odious burden by increasing it by one pie Honourable Members will remember the implication of any proposal if it is carried by this House by their votes and voices They should resist, as I have said with the utmost power that they possess this further imposition of income-tax and super-tax if only on the ground that the super-tax was intended to be a transitory or temporary measure for a temporary period and that the Government are morally bound to repeal it If they wish that another tax should be levied, they should come with a fresh Act and ask this House to pass it, and it is then and then only that they would be justified in having a permanent measure of super-tax on the Statute-book I say this, Sir, for this reason Honourable Members will find that, during the short time that they had been Members of this House, every season, every Session of the Legislative Assembly, we are treated to small, puny looking Bills of about two sections, sometimes three sections and sometimes only one section They are all *ad hoc* Bills to rectify here or to tighten the screw there, and all for the purpose of tying up the poor assessee in the meshes of the fiscal department of the Government But while they do this they do not seem to have any regard whatever either to the feeling or to the agony of the assessee The assessment in this country, the highest maximum assessment in this country, is 6 annas 6 pies super-tax, in addition to the income-tax, which Honourable Members will find is equally if not in excess of that which obtains in the United Kingdom, and when I said, at the opening of my address, that this is by far the most odious Act and a more inequitable Act than the English Act, I said I spoke with reservation and with the full possession of facts

Let me give Honourable Members a comparative history of the assessments in England and in this country, and they will at once realise the gross injustice of the Indian Income-tax Act In England—I am relying for my information upon the only book that is available in the Library here, third edition of Sander's Income-tax and Super-tax Act 1923 edition Honourable Members will find at page 18 of this book, that in England, at any rate, up to 1923-24 the assessment was for five years Here Honourable Members will find that, until 1917-18, the assessment used to be for three years, following the English law, but they found that they could

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not put the assessee to auction every three years, and the result was that thereafter they started annual assessment Now, the history of this annual assessment is—every assessee will bear witness to the fact—that from the year's beginning to the year's end half your life is spent in answering questions and in producing accounts which, as often as not are rejected as incomplete or unreliable, and the taxing authorities use their own information, sometimes true, sometimes false, for whatever it is worth, and assess you according to their estimate Now that I regard as gross injustice Against this, what is your remedy? In England you have your remedy by an appeal to the Income-tax Commissioners Mark the words "Income-tax Commissioners" I do not wish to labour this point further, but I would ask what is the remedy of the assessee in India? He goes from the income-tax officer to the Assistant Commissioner of Income-tax It is just as if I was robbed by a highway man on my way to the House and the Government said, "Your appeal would be to his chief brigand" Now, is this fair or just? They are all servants of the same Department, they scratch each other's backs The income-tax officer assesses you, he goes, and you appeal against his assessment to his brother officer, and that brother officer will assess you, against which another higher brother officer will hear your appeal If there is anything in the British Empire truly Gilbertian, it is this Indian income-tax assessment and appeal Is there anything more monstrous? And yet Honourable Members are accustomed to this dose of annual poison, they have become used to this annual administration of toxin, they don't see anything wrong in it, any more than Honourable Members here and Honourable Members outside see the gross injustice that is being done in the vicarious administration of the criminal law, merely because they have got used to it

Now, I wish to bring it home to you that, if you really wish to have a right of appeal, that right of appeal means and implies an appeal to a tribunal which is disinterested, independent and impartial, and which is at any rate not interested in the accumulation of wealth for the Chancellor of the Exchequer, otherwise, if the right of appeal is only to the departmental heads, the Chancellor of the Exchequer may send down a demi-official letter and say, "Dear Mr So and So You don't seem to be wide awake to your duties Last year the income-tax from your province was so much, this year it has fallen by so many lakhs, what could have been the reason for it?" Well, that is enough to shake the poor income-tax officer

The Honourable Sir George Schuster: On a point of order, Sir Is the Honourable Member at all in order?

Mr. President: Not at all

The Honourable Sir George Schuster: I suggest to my Honourable friend that, if he wishes to narrate his relations with the Income-tax Department, he should ask me to lay on the table of the House all the correspondence that has passed between him and the Department during the last three years

Sir Hari Singh Gour: I am stating, Sir, to this House, not my own views or my own experience, I am stating to the House what is the common experience of every Member of this House Am I wrong? (*Several Honourable Members* from the Non-Official Benches "No, no") Well, that is the position

Sir Darcy Lindsay (Bengal European): You are not talking to the amendment

Sir Hari Singh Gour: I say that, if you wish to give a man a right of appeal, then give the right of appeal to an independent tribunal unconnected with the assessment Now my third point is, under the English Income-tax Act you have what is called, "earned income" and "unearned income" On earned income is allowed a reduction of one-tenth up to £200

Mr. D. G Mitchell (Legislative Department Nominated Official): One-sixth

Sir Hari Singh Gour: My friend says it is one-sixth That is better than one-tenth I stand corrected Under the English law every assessee gets a certain reduction under personal allowances for his wife and for his children, and he further gets allowances for his dependent relations Now, do you get any allowance here at all? Again, under the English law an assessee, if he has got children at the Universities, gets allowances for the children in the Universities

The Honourable Sir George Schuster: Does my Honourable friend then wish to adopt the English income-tax rates—*4s* in the £?

Sir Hari Singh Gour. I shall reply to the Honourable the Finance Member by saying, "I am quite prepared to pay you 4*s* in the £ if you will give us the English income" What is the comparison between India and England? Then, Sir, there are distinctions under the Australian Income-tax Act and certain other Dominion Income-tax Acts between precarious income and certain income Take, for instance, a doctor or an engineer who has a precarious income, when he is hale and hearty he carries on his profession, but when he is struck down by disease or by other disability which disqualifies him from work, how is he going to pay? How is he going to live at all? Now so far as this country is concerned, they have no such distinction between incomes which are precarious and incomes which are certain, between earned and unearned incomes Then, Sir, I think my Honourable friends of the European Group will support me at least on one point Then representatives have been complaining about a double super-tax Persons who invest in joint stock companies pay a certain rate of income-tax on their dividends because these are deducted at their source, but on the top of it all that income is lumped together with their ordinary income and upon that the assessee is super-taxed Representations have been made by the Chambers of Commerce and by others about the levy of this double super-tax, but the general reply of the Finance Department is *non-possumus*. I wish, therefore, to point out to the House that, if Government wish to follow the analogy of the English law, they must, at any rate, follow the spirit of the English law That they have not done, and now they ask this House not only to confirm what was a transitory measure, remember, not only confirm, but to enhance the rates which were fixed under that transitory measure of 1917 Honourable Members should be fully cognisant of the implication of their vote They voted for this measure in 1917, because the unreformed Imperial Legislative Council had not a majority of elected representatives, it was the legislative side of the Executive Government to which certain Members were sworn in as Additional Members The complexion of the House has now been altered, and we are representatives of the people here, and if you are to allow this income-tax and super-tax to be raised—it does not matter whether it is even by one pie, today it is one pie, it may perhaps be one anna tomorrow—if you allow your tax to be raised, be sure you will be self-condemned You will not be hereafter heard to say that, "this

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is a bad measure to which we have never agreed It was a temporary measure, it is a measure which we should like to revise, it is a measure which we should make more equitable" You will never be heard, because by your own action and your vote you shall have ratified the acts of the Legislative Council of 1917. Sir, these are briefly my grounds for opposing the enhancement of the income-tax Let me add two more grounds

I have said, and I wish to recall that fact, I have said in the course of the general debate, that you cannot permanently add to the taxes of the people of this country unless you justify a case of permanent necessity. That there is no case of permanent necessity is now made manifest by the Finance Member's own speech We have the silver duty which, according to the conservative estimate of the Finance Member, will bring one crore of rupees According to Sir Purshotamdas Thakurdas, if I understood him aright, it will bring in at least two crores of rupees, and I said the other day, striking a golden mean, that if it does not bring two crores, it will at any rate bring 1½ crores That will give at least 50 lakhs of surplus over the estimate, and that I submit, will fill in the gap that will be created by the throwing out of this income-tax and super-tax Therefore, there would be really no deficit after that There are other cases like the cotton duties If the cotton duties are passed in the manner suggested by one of the non-official Members, that will also bring in additional revenue in the country In any case, I do not fear for one moment that, by throwing out this proposal of Government for the increase of income-tax and super-tax the Finance Department will be put to any difficulties

My second reason is that we are now in the last year of our elections The country is in a state of tremendous ferment, and there is political unrest Do you think that you will be settling the country down to a state of peace if you were to go out of this House and go to your constituents and say that during our three years of stuardship we have saddled upon them additional taxes to the tune of 5½ crores of rupees? The country is not in a mood to bear any additional burden The Finance Member has himself ascribed the deficit of the last three years to the world depression in which India has taken her share Now, I ask him, is that depression not likely to be further depressed if you were to saddle upon this country these heavy taxes? I therefore submit that, on the general ground as well as on the special grounds which I have mentioned, this House should unitedly, especially the elected Members of this House at any rate, I hope will conjointly oppose the Honourable the Finance Member's proposal for the increase of income-tax and super-tax

Mr. Fazal Ibrahim Rahimtulla: Sir, I have given notice of a similar amendment, and that is the only justification I have for rising to say a few words I think, Sir, it is a cruelty to inflict a speech on this House at this late hour, and therefore, Sir, I will only deal with one important point and sit down We are proposing this amendment, Sir, as one which we think to be reasonable, having regard to the fact that this House has agreed to accept all the taxes that have been proposed by the Finance Department The Honourable the Finance Member's position in this House is not at all enviable From the introduction, up to the Finance Bill's progress, he has been listening to subjects of all sorts on the face of the earth . . . . .

7 P M

Mr. President: What about me?

Mr. Fazal Ibrahim Rahimtulla: I entirely sympathize with you, Sir, and that is the reason why we are also sitting with you to finish the work But the position of the Finance Member is different in this respect. He is expected to reply to all the subjects raised by the non-official Members; he is expected to make replies to all the points raised by this side, because he is in charge of the Bill Now, the point I wish to make, Sir, is regarding the carrying forward of losses That point was touched upon by Sir Purshotamdas Thakurdas, and I wish also to emphasise it in view of the taxes that have now been passed by the House I will first take three years A man for instance makes a loss of Rs 5 lakhs in the first year, in the second year he makes a profit of Rs one lakh, and in the third year he again makes a loss of Rs 75,000 The result is that during these three years he loses about Rs 25,000 Now, Sir, without taking into consideration any of these facts, the income-tax that he has to pay for the year, I may say, is Rs 9,000 and approximately Rs 4,500 super-tax Therefore, in addition to Rs 25,000 loss, the man has to incur an additional loss of Rs 13,500 Sir, there has been a good deal of agitation on this score, and numerous representations to the Finance Member, and I hope he will be good enough to take these points into consideration and get rid of the injustice that is now existing

Sir Cowasji Jehangir: Sir, I shall be very brief My friend Sir Hari Singh Gour has made rather a severe attack upon income-tax officers, and he appealed to the non-official Benches and asked whether they all agreed with his statement I do not think he was given a very satisfactory reply from this side, and I therefore should like to openly dissociate myself with the attack that he made on income-tax officers, specially so far as my Presidency is concerned I have no idea of the circumstances under which my friend is placed in his province, so far as the Income-tax Department is concerned, nor do I know anything about the officers of the Income-tax Department of his province But so far as the Bombay Presidency is concerned, I would like to say that the attack made by him is unfair and that the income-tax officers do their very best to perform their duties justly and fairly They may make mistakes, they are only human The system may be wrong, but wrong as the system may be, it is unfair to criticise the officers of the Bombay Presidency

Sir Purshotamdas Thakurdas: Sir, I desire to support very briefly the point made by my friend Mr Fazal Ibrahim Rahimtulla I wish to make it clear that, as far as I am concerned, I am not anxious to vote for this amendment if the Finance Member can hold out a promise of relief in the direction indicated by the Mover What we feel is .

Mr. President: That has nothing to do with this amendment.

Sir Purshotamdas Thakurdas: It has, Sir, if I cannot get the assurance I will have to vote against the taxation and for the amendment

Mr. President: I am not concerned with that

Sir Purshotamdas Thakurdas: If the Honourable the Finance Member is not able to give a satisfactory reply . .

Mr. President: It is not relevant to the amendment.

Sir Purshotamdas Thakurdas: The amendment is that the income-tax should be retained as at present I say I may oppose this amendment if the Finance Member gives us an assurance . . .

Mr. President: In regard to some other matter.

Sir Purshotamdas Thakurdas: No, Sir, in connection with this matter under the head of income-tax and super-tax, the assessment of income-tax being in a manner that three years' loss can be written off before assessment is made I developed the point previously I therefore feel, Sir, that where an increase in income-tax or super-tax is sought, it is very necessary that Government should remove the grievances of the community concerned, and I particularly refer to the commercial community

I want to say just one word regarding the strong words used by my friend, Sir Hari Singh Gour, regarding income-tax officers

Sir Hari Singh Gour: I think both Sir Cowasji Jehangir and Sir Purshotamdas Thakurdas are wrong

Mr. President: Perhaps the Honourable Member was referring to income-tax officers in his province

Sir Hari Singh Gour: No, Sir I was describing only the system which arose out of the Act I was not dealing with any province at all. I was only dealing with the system

Sir Purshotamdas Thakurdas: I do not propose to talk either of the Bombay Presidency or of the Central Provinces, I am thinking of India as a whole, and I say it is very inadvisable and very wrong to criticise those officers who are trying to do their best under circumstances, which in many cases are most difficult The income-tax officer has a very unpleasant duty to do as a tax gatherer and I feel that I ought to completely dissociate myself from the words used by him such as "high way robber" and "brigand"

The Honourable Sir George Schuster: Sir, I propose to respond to the note struck by my Honourable friend Mr Fazal Ibrahim Rahimtulla and to be as brief as possible I should like at the outset to express my personal gratitude to my Honourable friends, Sir Cowasji Jehangir and Sir Purshotamdas Thakurdas, for what they have said about income-tax officers There is no class of public servant in this country who has a more unpleasant duty to perform than the income-tax officers The great majority of the staff in that Department are Indians They are doing their work, as far as I have been able to see, in a most able and conscientious manner, and although perhaps occasional mistakes are made, and although there is no country in the world where income-tax officials are popular, I do feel that they deserve whole-hearted support in their extremely difficult task

Before I say a few words on the general question before the House, I should like to take up the suggestion which was made, both by Mr Fazal Ibrahim Rahimtulla and Sir Purshotamdas Thakurdas that I should give some undertaking about the principle of carrying forward business losses. I regard myself as already pledged in this matter I have made definite statements on various public occasions My pledge as I interpret it is this I am pledged, as soon as I am satisfied that the revenue position will stand it, to make a start with the introduction of this principle of carrying forward losses. I would like to make it clear, because I never like saying things which might be understood to mean more than I intend, that there will be difficulties in introducing this principle with full effect at once If, for example, we were to say, "From today onwards

three years' losses may be carried forward", the result on our revenue might be quite overwhelming. We shall have to start by degrees I have already issued instructions, before these debates, that a start should be made in collecting statistics, so that we may know what the first step is going to cost us, and I give this House a definite undertaking that I regard this as a first charge on Government revenue My own present idea is that we shall have to start it step by step, picking up one year first and then carrying it on to two years, and then to three years Whether we can go beyond three years, I would not like to say at present, but it is my present opinion that that should be the limit To the extent which I have now explained I regard myself, I have already regarded myself, as pledged to give effect to this principle

As regards the main proposal, I have already spoken at length on the general situation today I can only sum up the position as follows We want the money I think I am justified in interpreting the votes that have been given in this House as showing that a majority of this House have accepted my general statement of the financial position My proposals, as I put them forward were intended to be a balanced whole, and I should regard the balance as completely upset if this proposal for a slight increase in the income-tax were not included Speaking personally for myself, I could not have reconciled it with my conscience to bring forward a big programme of taxation without introducing a fair proportion of taxation which directly falls on the class which I represent The Honourable Mover of this amendment has tried to persuade this House that, whatever form of taxation you adopt, the burden will be felt by the poor man That, Sir, is an argument which I cannot accept It is quite obvious that an increase in the salt tax is more directly felt by the poor man than an increase on the higher rates of super-tax I cannot believe that taxes can be passed on in this way My Honourable friend quoted the case of the doctor who would put up his fees by, I think, he said 40 per cent , when the income-tax is increased by one pie In that case my proposals ought to be highly popular in the medical profession But it is obvious that it is impossible to pass on taxes in this way Consider only the whole class of Government officials They cannot pass on this tax They cannot come and ask for an increase in their pay, and the sort of tax which I am proposing which falls on incomes of 15,000 and over, will very largely be paid by the class of Government officials I would point out that the burden of this tax is a small one It only represents an increased charge of half per cent on incomes of Rs. 15,000 and over and I think the class on which this burden will fall can definitely afford to pay it It has been argued that the whole programme of taxation which I have put before this House will tend further to increase the depression which prevails in the country I maintain, on the contrary, Sir, that the purpose which lies behind these taxes is one which offers hope for improvement in the economic development of the country I agree that, as regards income-tax it cannot be claimed that any such direct effect will be felt, but I do maintain that the undertaking which I have given as regards the introduction of this principle of carrying forward losses, illustrates what is in my mind in introducing this tax. There are certain forms of taxation which are hampering burdens on industry, and the reason why I hold out a response to the suggestion which has been made is that I think that if we are to introduce this principle of carrying forward losses it would be a definite encouragement to business, This

[Sir George Schuster.]

extra pie on incomes over Rs 15,000 will not appreciably hamper business, but I hope it will put me in possession of funds which will enable me to make that redistribution of the burden of taxation which will relieve the main burdens on active industries Sir, I do not think it is necessary for me to say any more and I hope, to use the words of my Honourable friend, Sir Hari Singh Gour, that this House will rise to the occasion and pass this last and most just item in my programme of taxation

Mr. President: The question is

"That in Part I-A of Schedule III to the Bill for entries (4), (5), (6), (7) and (8) the following be substituted:

'(4) When the total income is Rs 10,000 or upwards, but is less than Rs. 20,000.	Nine pies in the rupee
(5) When the total income is Rs 20,000 or upwards, but is less than Rs 30,000.	One anna in the rupee.
(6) When the total income is Rs. 30,000 or upwards, but is less than Rs. 40,000	One anna and three pies in the rupee
(7) When the total income is Rs 40,000 or upwards	One anna and six pies in the rupee'"

The Assembly divided

AYES—17.

Agnihotri, Mr K B. L	Gulab Singh, Sardar
Aney, Mr M S.	Lalchand Navalrai, Mr.
Ayyangar, Mr K V Rangaswami.	Mukerjee, Mr Saradindu
Bhargava, Pandit Thakur Das	Patil, Rao Bahadur B L
Chettiyar, Rao Bahadur P T Kumaraswami	Rahimtulla, Mr Fazal Ibrahim
Das, Pandit Nilakantha	Rang Behari Lal, Lala
Dutt, Mr Amar Nath	Sarda, Rai Sahib Harbilas
Gour, Sir Hari Singh	Sinha, Mr Rajivaranjan Prasad
	Venkatakrishnayya Choudhri, Mr P.

NOES—47

Abdul Aziz, Khan Bahadur Mian	Lamb, Mr W S
Abdul Qaiyum, Nawab Sir Sahibzada	Lindsay, Sir Darcy
Alexander, Mr W	Mitchell, Mr D G
Banarji, Mr Rajnarayan	Mitra, The Honourable Sir Bhupendra Nath
Baum, Mr E F	Mitter, The Honourable Sir Brojendra
Chatterjee, The Revd J C	Monteath, Mr J
Cocke, Sir Hugh	Moore, Mr Arthur
Cosgrave, Mr W A	Mukherjee, Rai Bahadur S C
Crawford, Colonel J D	Noyce Sir Frank
Crerar, The Honourable Sir James	Pai, Mr A Upendra
Dalal, Dr R D	Parsons, Mr A A L
Das, Mr B	Rainy, The Honourable Sir George.
Ferrers, Mr V M	Rajah, Rao Bahadur M. C
French Mr J C	Rau, Mr H Shankar
Ghazanfar Ali Khan, Raja.	Roy, Mr K. C
Gwynne, Mr C W	Sahi, Mr Ram Prashad Narayan.
Hamilton, Mr K L B	Sams, Mr H A
Hardy, Mr G S	Schuster, The Honourable Sir George.
Heathcote, Mr L. V	Scott, Mr J Ramsay.
Hira Singh Brar, Sardar Bahadur, Honorary Captain	Slater, Mr S H
Howell, Mr E B	Sykes, Mr E F
Ismail Khan, Mr. Muhammad	Tin Tut, Mr
Jawahar Singh, Sardar Bahadur Sardar.	Yamin Khan, Mr. Muhammad.
	Young, Mr. G. M.

The motion was negatived.

Mr. President: Does the Honourable Member Mr. Lalchand Navalrai wish to move his amendment No 40?

Mr. Lalchand Navalrai: Yes, Sir I beg to move:

"For Part I-B of Schedule III to the Bill the following be substituted .

'B In the case of every company and registered firm, whatever its total income	Five pies in the rupee'."

Sir, the principle on which I move this amendment is the same as that which I put forward before the House a little while ago in moving my amendment No 35 In this case also, it will be seen that from 1886 to 1916 the rate of income-tax was a flat rate of five pies in the rupee, but it was raised in 1916 as a war measure to 12 pies in the rupee and it now stands at one anna six pies in the rupee which again is now sought to be raised to one anna seven pies in the rupee The reason that is given for not reducing it is that it will cause a loss to the Government in revenue That will be the reason given for every reduction that is asked for I do not think that is a reason that will appeal to the House I expect that, if this reason was known to the House which raised this tax in 1916 to this abnormal extent, it would not have sanctioned it I would therefore ask this House to accept my amendment

Mr. President: I take it that the Honourable Member's reply is the same as he had given a little while ago

The question is

"For Part I B of Schedule III to the Bill the following be substituted .

'B In the case of every company and registered firm, whatever its total income	Five pies in the rupee'."

The motion was negatived

Schedule III was added to the Bill.

Mr. President: The question is that clause 4 stand part of the Bill.

The motion was adopted

Clause 4 was added to the Bill.

Sir Purshotamdas Thakurdas: Sir, I beg to move the amendment which stands in my name and which runs as follows

" After clause 4 the following new clause be inserted, namely :—

'4A In Schedule II to the Indian Tariff Act, 1894—

(a) after Item No 43BB, as inserted by Section 4, and under the head 'Metals' the following Item shall be inserted, namely —

'43BBB	Silver plate, silver thread and wire (including so called gold thread and wire mainly made of silver), silver leaf and silver manufactures, all sorts not otherwise specified . . .	*Ad valorem.* 38 per cent.'

(b) in Part VI, under the head 'Metals' the Item which reads 'Silver plate, silver thread and wire, silver leaf and silver manufactures, all sorts not otherwise specified', together with its serial number, shall be omitted.' "

[Sir Purshotamdas Thakurdas]

I have referred to this amendment twice in my speeches in the course of the debate on this Finance Bill. I do not wish to say much more, particularly as Government have indicated their intention of accepting this amendment. I will only say one word I have not referred to what is known as imitation gold thread under this as I understand that this is not made out of silver If it is made out of silver it will be included in the higher duty and therefore imitation gold thread has not been referred to at all by me in the amendment

The Honourable Sir George Schuster: Sir, I accept my Honourable friend's amendment

Mr. President: The question is

"That after clause 4 the following new clause be inserted, namely:—

'4A In Schedule II to the Indian Tariff Act, 1894—

(*a*) after Item No 43BB, as inserted by Section 4, and under the head 'Metals' the following Item shall be inserted, namely:—

'43BBB. Silver plate, silver thread and wire (including so called gold thread and wire mainly made of silver), silver leaf and silver manufactures, all sorts not otherwise specified	*Ad valorem*	38 per cent.'

(*b*) in Part VI, under the head 'Metals' the Item which reads 'Silver plate, silver thread and wire, silver leaf and silver manufactures, all sorts not otherwise specified', together with its serial number, shall be omitted'"

The motion was adopted

Mr. President: The question is

"That clause 1 stand part of the Bill"

Sir Purshotamdas Thakurdas: Sir, I have an amendment to clause 1 which I beg to move It runs thus

"In sub clause (3) of clause 1, after the figure '3', the comma, figure and letter '4A' be inserted"

The main reason for inserting this here is that Government are unwilling to increase this duty on silver manufactures and gold thread beyond a period of one year I have agreed to it and have embodied it in my amendment on the understanding that, during the course of the year, Government will refer the question to the Tariff Board If, however, Government are unable to secure a report from the Tariff Board before the next Budget, I take it that Government will continue this in the next Finance Bill also

The Honourable Sir George Schuster: I think, Sir, that my Honourable friend has correctly stated the position If we cannot carry out an inquiry which will give the country an opportunity to decide whether this higher duty is justified or not, it is obviously fair that the duty should be continued But I have every hope that it will be possible to carry out the inquiry this year

Sir Purshotamdas Thakurdas. On this understanding I do not think I need say anything further ♣.

Mr. President: Does the Honourable Member wish votes to be taken on this amendment?

Sir Purshotamdas Thakurdas No, Sir, as Government have accepted it

Mr. President: The question is

"That in sub clause (3) of clause 1, after the figure '3', the comma, figure and letter '4A' be inserted"

The motion was adopted

Clause 1, as amended, was added to the Bill

The Title and Preamble were added to the Bill

The Assembly then adjourned till Eleven of the Clock on Monday, the 24th March, 1930

LEGISLATIVE ASSEMBLY DEBATES

MONDAY, 24th MARCH, 1930

Vol. I—No. 41

OFFICIAL REPORT

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DELHI

GOVERNMENT OF INDIA PRESS

1930

LEGISLATIVE ASSEMBLY.

Monday, 24th March, 1930.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr President in the Chair.

QUESTIONS AND ANSWERS

ANNOUNCEMENT OF RESULTS OF INDIAN CIVIL SERVICE EXAMINATIONS.

800. ***Maulvi Mohammad Shafee Daoodi**: (*a*) Has the attention of Government been drawn to a grievance in the Indian Civil Service examination regarding the undue advantage which a candidate from the United Provinces has over those from other Provinces in knowing the result of his examination, as published in the *Pioneer* of October 13, 1929, under the heading, "A Civil Service Examination Grievance" of October 14, 1929, under the heading "Another View", by the *Justice* of Lucknow, of October 18, 1929, under the heading "The Public Services Examinations"?

(*b*) Will Government be pleased to state whether the result of the Indian Civil Service Examination is announced simultaneously with that of the Provincial Civil Service Examination, so that the candidates from all the Provinces may know the result at one and the same time? If not, will Government explain the reason?

(*c*) Do Government propose to rectify the oversight, if any, by introducing a system which may not prejudice any examinee from any Province?

The Honourable Sir James Crerar: (*a*), (*b*) and (*c*) The attention of the Public Service Commission was drawn to the articles in question and they have taken steps to ensure that in future the results of these two examinations are published simultaneously

REPORTED THREATENING BEHAVIOUR OF CERTAIN SOLDIERS AT VICTORIA TERMINUS STATION.

801. ***Mr. Sarabhai Nemchand Haji**: (*a*) Has the attention of Government been drawn to the incident which took place on the 8th June last at the Victoria Terminus in the Poona Passenger Train leaving that station at 10-45 P. M. in which certain soldiers of the Royal Warwickshire Regiment, 2nd Battalion, were reported to have behaved threateningly towards some Indian fellow passengers of theirs, chucking away the luggage of one of the passengers, taking up the seat that he had occupied previously and threatening to throw another out of the window if he dared to take up any further the cause of the injured passengers? If so, has any complaint been made to the authorities concerned by the aggrieved parties, and what steps have been taken in connection with the same?

(*b*) Will Government be pleased to make a statement on the subject particularly indicating the steps they propose to adopt in future to avoid the repetition of such outrageous incidents to the Indian travelling public?

Mr. G. M. Young: (*a*) The attention of the Honourable Member is invited to the reply given to his question No 989 on September 26th, 1929 A complaint was made to the military authorities, and enquiries were held both by them and by the railway authorities A complaint was thereafter filed in September in the Court of the Chief Presidency Magistrate against one of the soldiers It does not appear to have been proceeded with I am, however, inquiring how the matter stands and will inform the Honourable Member of the result

Mr. Sarabhai Nemchand Haji: With reference to the old question of mine mentioned in the reply, may I know on which date that question was put, because I do not remember having put such a question before?

Mr. G. M. Young: 26th September, 1929

Mr. Sarabhai Nemchand Haji: I did not put any question on that day, Sir

Mr. G. M. Young: I was not in the House, of course, last September I have only got a copy of the official record Mr Sarabhai Nemchand Haji asked a question No 989 on the 26th September, 1929, and a reply was given

Mr. Sarabhai Nemchand Haji: It may be that the question was on the agenda on that day, but I am sure I did not put the question

Mr. President: The Honourable Member may not have asked that question But the practice is that unless a Member says that he does not want to put any question, the question and answer are entered in the proceedings

Mr. Sarabhai Nemchand Haji: Sir, you stopped allowing any further questions that morning about the time my questions were going to be reached and so those questions were not asked at all

Mr. President: The Honourable Member must read the proceedings. If he reads the proceedings he will find that the question and answer do appear there

DRAFT INTERNATIONAL CONVENTION ON THE TREATMENT OF FOREIGNERS.

802 ***Mr. Sarabhai Nemchand Haji:** Has the opinion of the Government of India been invited on the draft International Convention on the treatment of foreigners? If so, do Government propose to invite the opinions of Indian commercial associations with a view to forwarding them to proper quarters?

The Honourable Sir George Rainy: The draft International Convention on the Treatment of Foreigners was discussed at a Conference held at Paris in November last The decision arrived at was that the Delegates should submit to their Government for consideration all documents relating to the work of the Conference and ask them to forward to the Secretariat of the League before the 1st June, 1930, any observations and suggestions which they may wish to make with regard to those documents. The

documents are still awaited. When they are received, Government will consider the feasibility of consulting commercial opinion before communicating their views to the Secretariat of the League.

Sir Hari Singh Gour: Will the Government consider the advisability of consulting this House on the subject?

The Honourable Sir George Rainy: I am afraid that if the replies have to reach the League of Nations before the 1st of June, there may be no possibility of consulting this House.

Sir Hari Singh Gour: Is it necessary that Government must send the replies by the 1st June? In view of the fact that there will be a Simla Session, will it not be advisable for the Government to place this matter before this House and take the opinion of this House on a very important question like this?

The Honourable Sir George Rainy: I do not think it has been the practice of the Government at the stage which this question has reached to bring such questions before the House It is at the stage between signature and ratification that in certain cases Conventions are brought before the House

Sir Hari Singh Gour: Is the Honourable Member quite sure about the practice in regard to the Washington Convention? Because if I remember aright, it was first raised and discussed by this House before Government took the final action

The Honourable Sir George Rainy: I should be quite ready to consider whether this is a suitable case in which to take the opinion of this House before sending our own opinion

CONSULTATION BY THE LEAGUE OF NATIONS *re* MARITIME COASTING TRADE

803 ***Mr. Sarabhai Nemchand Hajt:** (*a*) Has the attention of Government been drawn to the consultation proposed to be held by the League of Nations on the subject of maritime coasting trade, if so, when is the consultation going to take place?

(*b*) Has any questionnaire been issued by the League of Nations in this connection? If so, do Government propose to invite answers from Indian Commercial Associations to the questionnaire?

The Honourable Sir George Rainy: (*a*) The Advisory and Technical Committee for Communications and Transit of the League of Nations has referred to its Permanent Committee on Ports and Maritime Navigation the examination of the meaning which the different States attach to the term "coasting trade" and the law and practices relating thereto. I presume that this is the consultation to which the Honourable Member refers. The Government of India have received no information in regard to any general Conference of the League of Nations on this subject

(*b*) In connection with the above enquiry, the Government of India have received a questionnaire from the League of Nations As the questionnaire only asks for information in regard to the present position of the coasting trade of India under the existing laws and regulations, the Government of India do not propose to consult commercial associations before replying to the questionnaire

Mr. Sarabhai Nemchand Haji: Would the present position regarding this point include the question of the Coastal Reservation Bill as reported by the Select Committee of this House?

The Honourable Sir George Rainy: That is no part of the existing provisions of the law.

Mr. Sarabhai Nemchand Haji: But, Sir, would the attention of the authorities at Geneva be drawn to the fact that non-official efforts are being made to bring about a change in this matter?

The Honourable Sir George Rainy: I do not think, Sir, that that naturally arises under any question in the questionnaire

Mr. Sarabhai Nemchand Haji: Would not the whole purpose of the replies of this Government be misleading to the International authorities if their attention was not drawn to the pending legislation?

The Honourable Sir George Rainy: No, Sir When they ask merely for information as to the present position, I do not think they would naturally expect to receive information as to mere possibilities

SLOOPS OF THE ROYAL NAVY REFITTED OR REPAIRED IN THE ROYAL INDIAN MARINE DOCKYARD.

804 ***Mr. Sarabhai Nemchand Haji:** Will Government please state the number of sloops of the Royal Navy that have been either refitted or repaired in the Royal Indian Marine Dockyard during the last two years, and if so, what payments have been received for the same?

Mr. G. M. Young: A statement has been called for, and will be communicated to the Honourable Member on receipt

CONSTRUCTION OF NEW VESSELS BY THE ROYAL INDIAN MARINE DOCKYARD.

805. ***Mr. Sarabhai Nemchand Haji:** (*a*) Is it possible to use the Royal Indian Marine Dockyard for the construction of new vessels? If so, will Government please state the size of the vessels that could be built there?

(*b*) Will construction have to be confined only to war vessels, or would it be possible to build mercantile vessels as well? If so, of what tonnage?

Mr. G. M. Young: (*a*) Yes, Sir Every kind of boat, barge and steam trawler can be constructed in the Royal Indian Marine Dockyard, Bombay. If and when the dockyard is expanded, it will be in a position to undertake the construction of sloops suitable for the Royal Indian Marine up to 2,000 tons

(*b*) With expansion of the dockyard it would be quite possible to build ships for the mercantile marine up to probably about 3,000 tons

Mr. Sarabhai Nemchand Haji: With regard to part (*b*) of the question, in view of the fact that it would be possible, with the enlargement of the dockyard, to build mercantile vessels, will Government consider the advisability of preparing a scheme under which such vessels could be built in these Government dockyards when they are ready?

Mr. G. M. Young: The Government have that matter under consideration.

ADVERTISING THE WORK OF THE ROYAL INDIAN MARINE (DOCKYARD).

806 *Mr. Sarabhai Nemchand Haji: Will Government please state if they take any steps to make the work of the Royal Indian Marine more known than is the case ? If not, do they propose to do so?

Mr. G. M. Young: Yes, Sir It has already been decided to publish the annual Administration Reports of the Royal Indian Marine and of the Marine Survey of India, in future, for general information The report of the Flag Officer Commanding on the reorganisation of the service was published in an official communiqué, and considerable prominence was given to it in newspapers Admiral Walwyn has also instituted a practice of visiting ports, other than Bombay, with his ships in order to acquaint the public in those ports with the character and functions of the reorganized force

Mr. K. C. Roy: May I ask the Honourable Member what is the position as regards the proposed Royal Indian Navy which is to supersede the Royal Indian Marine?

Mr. G. M. Young: If the Honourable Member refers to the Indian Navy Discipline Bill which was introduced in this House two years ago, the position is that Government are waiting for some indication from this House or from the public that the Bill should be proceeded with again.

Mr. Sarabhai Nemchand Haji: Is it not the fact that the public are waiting for some signal from the Government that their policy has changed in the matter and that the Government propose to trust the people of this country as against the orders of the British Cabinet?

Mr. G. M. Young: I am afraid I am unable to answer that question.

Mr. K. C. Roy: May I ask what actually happened to the Bill which was passed by the British Parliament for creating the Royal Indian Navy?

Mr. G. M. Young: It was passed, that was all

Mr. Sarabhai Nemchand Haji: With reference to the Administration Report of the Royal Indian Marine referred to by the Honourable Member, may I know when it is proposed to publish such an Administration Report?

Mr. G. M. Young: I cannot give the date I do not remember at what time of the year the Report comes out

Mr. Sarabhai Nemchand Haji: When does the naval year begin?

Mr. G. M. Young: I think the reports are for the financial year.

CONSTRUCTION OF NEW SHIPS FOR THE ROYAL INDIAN MARINE.

807. *Mr. Sarabhai Nemchand Haji: (a) Will Government be pleased to state if any orders for the construction of new ships for the Royal Indian Marine have been placed during the last 18 months?

(b) If the answer to part (a) is in the affirmative will Government be pleased to state whether it is usual to invite tenders before the final orders are placed?

Mr. G. M. Young: (a) Yes for one new sloop

(b) The sloop is being built under the orders of the Admiralty and I am not aware of what their practice is in the matter of inviting tenders.

SEPARATION OF THE ROYAL INDIAN MARINE BUDGET FROM THE MILITARY BUDGET.

808. *Mr. Sarabhai Nemchand Haji: Is it a fact that the amount of money annually allotted to the Royal Indian Marine and remaining unspent within a year lapses into the general fund of the Military Budget? If so, have Government considered the advisability of separating the Royal Indian Marine Budget from the Military Budget with a view to enable the Royal Indian Marine to have the full benefit of the amounts allotted to it from year to year?

Mr. G. M. Young: The answer to the first part of the question is in the negative, the second part does not therefore arise The Royal Indian Marine have the full benefit of savings effected within their separate budget allotment.

RECRUITMENT FOR THE ROYAL INDIAN MARINE

809. *Mr. Sarabhai Nemchand Haji: (a) Will Government please state the parts of India to which recruitment parties are sent in order to secure fresh supplies of men for the ships of the Royal Indian Marine?

(b) Have Government received representations from certain districts or castes to the effect that their claims for recruitment for the Royal Indian Marine are being disregarded by Government? If so, will Government please state the action they propose to take in the matter?

Mr. G. M. Young: (a) Recruiting parties were formerly sent regularly to the Ratnagiri district, which used to be practically the sole recruiting ground for the Royal Indian Marine before its reorganization At the time of reorganization, it was the intention of Government to send recruiting parties to this area only until such time as the Royal Indian Marine was enlarged, when they expected to go further afield Since the force was reorganized on a combatant basis, and service was made permanent and pensionable, the popularity of the Royal Indian Marine with this community has heavily declined and the last recruiting party that went to Ratnagiri failed to obtain any good recruits Attempts were made accordingly to get recruits from elsewhere, and parties have been sent to the Punjab, principally to the districts of the Salt Range, where the service seems to be popular and recruits of an excellent stamp are readily forthcoming

(b) The only representation of the kind suggested in the question came from the Bhandari community in 1926 I quoted their resolution in answer to Mr Aney's question No. 824 on the 25th August, 1927 I would add that there is nothing to prevent youths of the Bhandari or any other community from presenting themselves at the Royal Indian Marine Depot for recruitment if they wish.

Mr. K. C. Roy: Will the Honourable Member say whether recruiting parties will be sent to Chittagong?

Mr. G. M. Young: Government have considered the question of recruitment from Chittagong, and I have no doubt they will keep it in mind.

RECRUITMENT OF INDIANS FOR THE ROYAL INDIAN MARINE.

810. *Mr. Sarabhai Nemchand Haji: (a) Will Government please state how far the Royal Indian Marine has been reorganised during the last few months?

(b) Is it a fact that the force has been short of the full numbers in the ranks of the executive officers and the engineer officers?

(c) If the answer to part (b) is in the affirmative, are Government prepared to make up the deficiency by recruiting Indians only, with a view to utilise the existing vacancies for the purposes of Indianising these services more rapidly?

Mr. G. M. Young: (a) The reorganization may now be considered as complete

(b) and (c) There has been some shortage, owing mainly to the time it took to introduce the open competitive examination for the service There does not appear to be any difficulty, however, in obtaining British candidates for either branch of the service Indian candidates have so far only been forthcoming for the Engineer branch Two Indian candidates for this branch passed the examination held last November As I have already informed the House, three executive vacancies are being offered for competition among the cadets of the "Dufferin" at a special examination to be held in May this year In view of these facts, Government do not propose immediately to increase the proportion of Indian vacancies, but they have that possibility constantly in mind

Sir Hari Singh Gour: May I ask if any Indian has so far been appointed to the combatant ranks?

Mr. G. M. Young: To the executive branch?

Sir Hari Singh Gour: To the officer's rank.

Mr. G. M. Young: Yes, but to the executive or engineer branch?

Sir Hari Singh Gour: I mean both.

Mr. G. M. Young: I have just said, in answer to the main question, that two cadets have succeeded in entering the Engineer Branch. They have not yet been appointed, but they have gone to England for training.

RECRUITMENT OF SEAMEN.

811. *Mr. Sarabhai Nemchand Haji: (a) Will Government be pleased to state the exact method of recruitment of seamen at the major ports of India?

(b) What is the exact manner in which the registers of serangs lascars, firemen, stewards and butlers are maintained at these ports?

(c) Is it a fact that in Bombay the licences for the supply of seamen have been issued to one party only for the last 40 or 50 years?

(d) If the answer to part (c) be in the affirmative, do Government propose to issue licences to other brokers? If not, do they propose to establish a regular Bureau of Employment attached to the shipping office?

The Honourable Sir George Rainy: (*a*) The large majority of Indian sea men are recruited at the two major ports of Bombay and Calcutta As re gards the method of recruitment at Bombay, I would refer the Honourable Member to the reply I gave to starred question No 691 asked by Mr S C Mitra on the 23rd September, 1929 At Calcutta the seamen required for vessels belonging to the British India Steam Navigation Company are recruited at the Company's offices by its own officers In the case of the other shipping companies, the sukhanies are selected at an open muster held at the Shipping Office At present the other ratings are recruited largely through the medium of the licensed brokers Arrange ments have, however, recently been made for the introduction of the following alternative methods of recruitment According to the first method, the shipping companies will maintain registers of the Serangs and Butlers in their regular employ, and these ratings will be selected by the Companies' officers at their own offices the lower ratings being selected by the Companies' officers with the aid of the leading ratings The second method is intended for those companies who may not find it possible to make the necessary internal arrangements for the recruitment of seamen at their own offices An employment register of serangs and butlers will be maintained at the Shipping Office and these ratings will be selected by the Companies' officers at an open muster held at the Shipping Office. The lower ratings will be recruited as in the case of the first method by the Companies' officers with the aid of the leading ratings

(*b*) Employment registers of Serangs and Butlers are maintained at Bombay and Calcutta The registers show, *inter alia*, the ship on which the rating has obtained employment and the date on which he signed on

(*c*) The three licensed brokers at Bombay are members of the same firm This firm has held this business for many years

(*d*) Government do not propose to issue licences to other persons, nor do they at present contemplate the maintenance at the Bombay Shipping Office of employment registers for lower ratings

STATEMENT SHOWING THE NUMBER OF INDIAN OFFICERS HOLDING CERTAIN RANKS IN STATE RAILWAYS.

812. ***Mr. Sarabhai Nemchand Haji:** Will Government be pleased to lay on the table a statement showing the numbers of Indian officers holding the following ranks in each of the State Railways.

(1) Heads of Departments

(2) Deputy Heads of Departments

(3) Divisional Operating Superintendents.

(4) Divisional Traffic Superintendents

(5) Executive or Divisional Engineers?

Mr. A. A. L. Parsons: The Honourable Member will find this information in the Classified List of State Railway Establishment, a copy of which is in the Library of the House.

CARRIAGE OF PIECE-GOODS FROM BOMBAY TO CALCUTTA BY RAIL AND STEAMER.

813. ***Mr. Sarabhai Nemchand Haji:** (*a*) Has the attention of Government been drawn to the Statement of the Agent of the Great Indian Penin sula Railway that the rate of piece goods from Bombay to Calcutta via

Nagpur has been reduced from Rs 3-8-3 to Rs. 1-8-0 with a view to compete against the carriage of piece-goods from Bombay to Calcutta by steamers?

(*b*) Has the policy of the Agent of the Great Indian Peninsula Railway been endorsed by the Government of India?

Mr. A. A. L. Parsons: (*a*) The answer is in the affirmative except that the rate in question has, I understand, been reduced from Rs 3-7-3 first to Rs 2-5-0 and then from Rs 2-5-0 to Rs 1-8-0 and Government are not aware that the Agent of the Great Indian Peninsula Railway stated that the rate was reduced from Rs 3-8 3.

(*b*) Yes

POWER SUPPLIED BY THE HYDRO-ELECTRIC CONCERNS FOR THE SUBURBAN SERVICE OF THE GREAT INDIAN PENINSULA RAILWAY.

814. ***Mr. Sarabhai Nemchand Haji:** Will Government be pleased to lay on the table a statement showing

(*a*) the cost per unit of power supplied by the Hydro-electric concerns for the suburban service of the Great Indian Peninsula Railway,

(*b*) the minimum quantity of electric energy in terms of units the authorities of the Great Indian Peninsula Railway have agreed to pay for irrespective of the actual consumption,

(*c*) the actual consumption in terms of units supplied by the Hydro-electric concerns to the Great Indian Peninsula Railway month by month during the last 12 months ending 30th June, 1929, and

(*d*) the payments made with reference to (*c*) for the power consumed by the Great Indian Peninsula Railway for their suburban service?

Mr. A. A. L. Parsons: The information is being collected and will be furnished to the Honourable Member when ready As possibly other Members of the House may be interested, I will lay the statement containing the information on the table of the House as soon as an opportunity occurs

TRAINING OF INDIANS IN MARINE WIRELESS

815. ***Mr. Sarabhai Nemchand Haji:** Will Government be pleased to state whether they have taken any action for the training of Indian youths in Marine Wireless as referred to in the speech of His Excellency the Viceroy at the Annual Meeting of the Federation of Indian Chambers of Commerce and Industry at Calcutta in December, 1928? If so, will they be pleased to give the details of the scheme they propose to inaugurate?

The Honourable Sir George Rainy: A scheme for the training of wireless operators on the Training Ship "Dufferin" was considered by the Governing Body at their meeting held on the 4th July last. After careful consideration, the Governing Body resolved that they were not in favour of the training of wireless operators on the "Dufferin" The matter is still under consideration.

Sir Hari Singh Gour: May I ask what was the reason for the unfavourable decision of the Governing Body?

The Honourable Sir George Rainy: The difficulty was this, that, if it were merely a question of wireless training, a course of nine months might be sufficient, but the ordinary course is three years on the "Dufferin" and it is not considered desirable to have boys on board under training for so short a period as nine months I am not yet satisfied that the difficulties might not be overcome, and we are making further inquiries about it

FELLOWSHIPS OFFERED TO INDIA BY THE ROCKEFELLER FOUNDATIONS.

816 ***Dr. B. S. Moonje:** Will Government be pleased to state

(*a*) whether any Fellowships were offered to this country by the Rockefeller Foundation either in the year 1928 or 1929, and if so, the date when the offer was received and the number of Fellowships offered,

(*b*) whether applications were invited from the different provinces for selection of candidates for the award of these Fellowships, and if so, the last date for receiving the applications,

(*c*) the procedure adopted by the Government of India for the selection of candidates to be recommended to the Rockefeller Foundation for the award of the Fellowships,

(*d*) the date or dates on which the various Provincial Governments sent in the lists of candidates with their recommendations for the award of the Fellowships,

(*e*) the date when the Government of India forwarded their recommendations to the Rockefeller Foundation,

(*f*) the names of persons recommended by them for the award of the Fellowships and of the subjects chosen by them, and

(*g*) the nature of the reply received from the Rockefeller Foundation with regard to the names recommended by the Government of India?

Sir Frank Noyce: (*a*) No Fellowships were offered in 1928. In October, 1928, Government enquired from Dr J F Kendrick, who is the representative of the Rockefeller Foundation in India, whether it was proposed to award any Fellowships to India in the near future, and if so, when Dr Kendrick replied in January 1929, that the Foundation did not set aside any definite number of Fellowships for Indian students but that if there were deserving men, he had no doubt that Fellowships could be secured for them

(*b*) Yes Local Governments and Administrations were asked to submit their recommendations, if possible, by the 31st March, 1929

(*c*) The candidates who are nominated by Local Governments and Administrations and who fulfil the conditions prescribed by the Rockefeller Foundation as to qualifications and prospects of employment are arranged in order of preference by the Scientific Advisory Board of the Indian Research Fund Association and the final selection is made by the Rockefeller International Health Board itself

(*d*) The recommendations from Local Governments were received between the 25th March, 1929, and the 5th June, 1929

(*e*) The list of candidates drawn up in order of preference by the Scientific Advisory Board was forwarded to Mr Kendrick on the 6th July, 1929, together with the original applications

(*f*) A list showing the names of the applicants and the subjects chosen by them as placed on the table of the House

(*g*) Government were informed by Dr Kendrick on the 31st October, 1929, that the applications had been received in New York only on the 5th September and that all available funds for fellowships in the East had been allotted by then except one which had been ear-marked for an officer in connection with co-operative arrangements for rural health work in Burma. Only one Fellowship was, therefore, awarded to Dr Fenn who was serving in Burma Dr Kendrick, however, added that the applications would be kept on the file of the Executive Committee of the Rockefeller Foundation and would be given due consideration, should funds become available for 1930

Statement referred to in the reply to part (f) of question No 816, regarding Rockefeller Foundation Scholarships.

			Subjects selected for study.
1	Dr Ramaswami Subramanian	Madras	Public Health administration, Epidemiology with special reference to Malariology
2	Dr Walajanagar Vijaragava Perumal.	Madras	System of medical inspection of schools in America and rural sanitation in other countries especially America
3.	Dr Shankar Kashinath Gokhale	Bombay	Chemistry of Vitamin and Nutrition problems.
4	Dr. Mukundraj Ganpat Pandit	Bombay	Analytical Chemistry, Bacteriology and preparation of calf lymph.
5.	Vasudeo Lakshman Deshpande.	Bombay	Infectious Diseases with special reference to Public Health.
6	Dr. Ramchandra Govind Dhayagude	Bombay	Bacteriology and Tropical Pathology.
7.	Dr Ramkrishna Pandurang Kappikar.	Bombay	Anatomy and Embryology.
8.	Dr. M O. T Iyengar	Bengal	Malaria research, survey and prevention.
9.	Dr Mohammad Yacob	Punjab	Technique of the preparation of anti-variolous vaccine lymph and problems connected with vaccination in United States of America and the United Kingdom.
10.	Dr. Samad Shah	Punjab	Malariology.
11.	Dr. Ayodhya Nath Dass	United Provinces	Epidemiology and vital statistics as specially applicable to the tropics with a view to obtaining the degree of Doctor of Public Health.

		Subjects selected for study.
12. Dr. Beni Madhava Roy .	United Provinces.	Public Health and Malariology.
13 Dr Victor William Fenn.	Burma . .	Hygiene and Public Health
14. Dr S K Mallick	Bihar and Orissa.	Public Health and Malariology
15. Dr Suraj Narain .	Ajmer-Merwara	(1) Pathology and Bacteriology in relation to clinical medicine and public health and (2) studies in prevention and cure of tuberculosis.

Dr. B. S. Moonje: Did the Government of India know the date by which the Rockefeller Foundation were to receive applications for scholarships to the Rockefeller Institute?

Sir Frank Noyce: I understand the position is that the Rockefeller Foundation does not lay down any definite date No definite date was fixed by it for the receipt of applications

Dr. B. S. Moonje: How is it that, when the Government of India sent their reply in July, it was not received in New York before September?

Sir Frank Noyce: I do not know, Sir It was sent to Dr Kendrick on the 5th of July, whose headquarters are in Madras Why it did not reach New York until the 5th of September, I am unable to say

Dr. B. S. Moonje: Did the Government of India write and inquire why their reply had not reached New York before the 5th of September?

Sir Frank Noyce: I do not know I can find out and let the Honourable Member know The matter is really one for the Rockefeller Foundation, and it is hardly for us to make any inquiry of that nature

Dr. B. S. Moonje: My point is whether the Government of India's application did reach New York in time or not?

Sir Frank Noyce: I have already said that all the available funds for Fellowship in the East had been allotted by the time our application reached the Foundation.

Dr. B. S. Moonje: And your application reached them in September after the Fellowships were all allotted away?

Sir Hari Singh Gour: Did the Honourable Member know the date by which the Rockefeller Foundation would make the allotments?

Sir Frank Noyce: No, Sir, I have already said that the Rockefeller Foundation do not lay down any definite date.

Dr. B. S. Moonje: Why did not the Government write and find out as to why their application did not reach New York till September when it was sent from here in July? Did they take any action to find out the cause of the delay?

Sir Frank Noyce: It is rather a long post from here to New York

DELAY IN THE APPLICATION BY THE GOVERNMENT OF INDIA FOR ROCKEFELLER FOUNDATION FELLOWSHIPS.

817. ***Dr. B. S. Moonje:** (*a*) Will Government be pleased to state if it is a fact that the Executive Committee of the Rockefeller Foundation received the application sent by the Government of India in 1929 after all

the available funds for the Fellowships in the East had been allotted, and that it was therefore not possible for the Foundation to award any Fellowship to Indians in 1929, except one which had been earmarked for an officer in connection with co-operative arrangements for rural health work in Burma?

(*b*) If the reply to part (*a*) is in affirmative, will Government be pleased to state who was responsible for this delay in forwarding the application from India?

(*c*) What steps do Government intend to take for obviating such delay in the future?

Sir Frank Noyce: (*a*) Yes

(*b*) The circumstances have been explained in the reply just given by me to the Honourable Member's question No 816

(*c*) The Honourable Member will see that so far as the Government of India were concerned, there was no avoidable delay When a similar occasion again arises the Government of India will impress on Local Governments the necessity for promptitude in submitting their recommendations

SUBJECTS FOR THE AWARD OF ROCKEFELLER FOUNDATION FELLOWSHIPS IN INDIA

818. ***Dr. B. S. Moonje:** (*a*) Will Government be pleased to state whether the Rockefeller Foundation has defined the subjects for the award of the Fellowships in India?

(*b*) Are these subjects more or less the same for which Fellowships are awarded by the Foundation in other countries such as England, Germany, Czecko-Slovakia?

(*c*) In case the subjects recommended for the award of Fellowships in India are not the same as those in other countries, have Government considered the question of the advisability of representing to the Rockefeller Foundation the inclusion of the subjects of pure and applied science besides those relating to public health for the award of Fellowships to Indian candidates?

Sir Frank Noyce: (*a*) The Fellowships awarded by the International Health Board of the Rockefeller Foundation are designed to meet definite needs in public health service

(*b*) It would seem from Memorandum No 7664 of the International Health Board which gives information regarding these Fellowships that the regulations are the same for all countries A copy of this memorandum has been placed in the Library of the House

(*c*) Does not arise.

SELECTION OF CANDIDATES FOR THE AWARD OF ROCKEFELLER FOUNDATION FELLOWSHIPS.

819. ***Dr. B. S. Moonje:** Will Government be pleased to state how many Fellows were selected from the different provinces respectively since the award of the Rockefeller Foundation Fellowships came first to be made?

Sir Frank Noyce: The information is contained in the statement which I have placed on the table of the House

Madras . . .	Dr. R. Adiseshan, L M S.
	Dr. K. V. Krishnan, M.B.B.S.
United Provinces . .	Dr H. G D. Mathur, B Sc , M.B.B S.
	Dr A C. Banerjee, M B.B S , D P H
Punjab . .	Dr. A R. Mehta, M B B S., D.P.H , D T.M. and H.
	Dr Ram Behari Lal, M B B S , D P H., D.T M. and H.
Burma	Dr V W Fenn
Central Provinces . . .	Dr. C R. Edibam, M B B S
North West Frontier Province .	Dr. Saranjam Khan, B S.C , M B B.S
Officer in Military employ .	Captain (now Major) S. S. Sokhey, I.M S.

UTILIZATION IN INDIA OF INDIANS GIVEN FELLOWSHIPS OF THE ROCKEFELLER FOUNDATION

820 ***Dr. B. S. Moonje**: Will Government be pleased to state:

(*a*) How many Fellows who were given the Rockefeller Fellowships have returned to India so far,

(*b*) How many of them have been utilized in the Medical Research Department, giving the names of the Fellows and the institutes to which they may be attached and the inquiries that may be entrusted to them for carrying out in each case, and

(*c*) How many of them are not utilized in the Medical Research Department stating reasons why they have not been so utilized?

Sir Frank Noyce: (*a*) Nine Government have no information about Dr Fenn who was awarded the Fellowship in 1929

(*b*) One, *viz.*, Major S S Sokhey, I M.S , who is serving as an Assistant Director of the Haffkine Institute, Bombay

(*c*) Eight, six of whom are employed in suitable appointments in provincial Public Health Departments The remaining two, *viz* , Drs. Saranjam Khan and K V. Krishnan are employed on Bacteriophage and Kala-Azar inquiries, respectively, under the Indian Research Fund Association. The cadre of the Medical Research Department is fixed according to its requirements

Dr. B. S. Moonje: Are there any who are unemployed?

Sir Frank Noyce: I do not think any of them are unemployed Fellowships are granted on the distinct understanding that those who hold them are ear-marked for suitable appointments on their return to India

APPOINTMENT OF A NON-INDIAN JUDGE IN THE PATNA HIGH COURT.

821 *Munshi Iswar Saran: (a) Is it a fact that, in the Patna High Court, in place of the Honourable Mr Justice P R Das (resigned), the appointment of a non-Indian is contemplated?

(b) If so, are Government aware that such a step will be regarded by Indians in this country as a reversal of the policy of Indianisation?

The Honourable Sir James Crerar: (a) and (b) The question of filling the appointment which, under section 101 of the Government of India Act, is made by His Majesty is still under consideration and I regret I am unable to make any statement on the subject

Mr. Gaya Prasad Singh. Is it a fact, Sir, that the gentleman who is going to officiate for Mr Justice P R Das is neither an Indian nor a lawyer Judge?

The Honourable Sir James Crerar: I must ask for notice of that question

Munshi Iswar Saran: Why has there been so much delay in making the appointment of the successor of the Honourable Mr Justice P R Das?

The Honourable Sir James Crerar: I presume, Sir, in order that the best selection may be made

Munshi Iswar Saran: Will the Honourable Member kindly tell the House the recommendation made by the Patna High Court?

The Honourable Sir James Crerar: The Government of India are not officially consulted in these matters, and I regret that I cannot make a statement

Munshi Iswar Saran. Will the Honourable Member kindly tell the House what recommendation the Home Member made in regard to this matter

The Honourable Sir James Crerar: I cannot do that

Munshi Iswar Saran: Will the Honourable Member convey to the Secretary of State for India the information that the appointment of a non-Indian to a post which has been vacated by an Indian will give rise to much dissatisfaction among Indians?

The Honourable Sir James Crerar: I will see that the questions and replies are communicated to the Secretary of State

Mr. Gaya Prasad Singh: Are Government aware that the prestige of the Patna High Court will suffer if this sort of jobbery is perpetrated?

Mr. President: Order, order

Mr. Amar Nath Dutt: What are the reasons, Sir, for overlooking the claims of the Provincial Judicial Service in giving them a seat on the Patna High Court in the present vacancy?

The Honourable Sir James Crerar: As a general proposition, the claims of members of the Provincial Service are duly considered when a suitable vacancy arises

Munshi Iswar Saran: Is the Honourable Member aware that there are competent lawyers in the Patna High Court as well as in other High Courts who can be appointed to this post?

The Honourable Sir James Crerar: I note the Honourable Member's expression of his view on that point.

Mr. Amar Nath Dutt: Is it not a fact that a member of the Judicial Service was available to act for this post, and yet a Civilian Judge has been selected?

The Honourable Sir James Crerar: It is true that, as a temporary measure, there are two additional Civilian Judges at present

Mr. Amar Nath Dutt: Was not a member of the Provincial Judicial Service available who officiated as High Court Judge in the same Court?

The Honourable Sir James Crerar: I must have notice of that

Mr. M. A. Jinnah: May I know whether the Government of India recognise that this is an Indian vacancy and that an Indian should be appointed?

The Honourable Sir James Crerar: That question will doubtless be considered by the competent authorities

Mr. M. A. Jinnah: Do the Government know that, even if there is no Indian available in this particular province, there are other capable men in other provinces, and will they try and secure an Indian from any part of India if he is available to fill up this post?

The Honourable Sir James Crerar: I have no doubt that all the considerations bearing on the matter will be carefully taken into account by the competent authorities I regret I cannot say anything more at present

Munshi Iswar Saran: Is it not a fact that there is an Indian gentleman practising in the Patna High Court who, on more than one occasion, has officiated as a Judge of the Patna High Court?

The Honourable Sir James Crerar: I believe that is a fact

INELIGIBILITY OF INDIANS FOR THE DIPLOMATIC SERVICE.

822. ***Sir Hari Singh Gour:** With reference to the reply to starred question No. 533 on the 12th March, 1930, regarding the ineligibility of Indians for Diplomatic Service, will Government be pleased to state what action, if any, they propose to take to get the rules amended so as to remove their ineligibility?

Mr. E. B. Howell: The Government of India are in sympathy with the spirit underlying the Honourable Member's question They have already once made representations upon the subject and are prepared to renew them when a favourable opportunity presents itself

LACK OF WAITING ROOMS AT BOJRA STATION.

823. ***Mr. S. C. Mitra:** (*a*) Is it a fact that there is no waiting room at Bojra Station in the Noakhali Branch of the Assam Bengal Railway either for males or females?

(*b*) Is it a fact that several representations were made by the local people to the railway authorities for a waiting room?

(*c*) Are Government aware that passengers are put to great inconvenience and difficulties for the want of such a waiting room or any shade?

(*d*) Are Government aware that in the absence of any waiting room for ladies, the *pardah* lady passengers are much inconvenienced?

(*e*) Do Government propose to remove the long-felt grievance of the local people?

Mr A. A. L. Parsons: Government are not aware of the exact arrangements, but a copy of the question will be sent to the Agent

QUALIFYING EXAMINATIONS IN THE SECRETARIAT AND ATTACHED OFFICES.

824 ***Mr. S. C. Mitra:** (*a*) Are Government aware that the matriculates employed in the Third Division of the Secretariat offices were not allowed to take the First or Second Division (Secretariat) qualifying examination held by the Public Service Commission in November 1929?

(*b*) Is it a fact that the matriculates employed in the Second Division of the Attached Offices (having previously qualified for the Third Division, *i e*, the examination passed by the candidates referred to at (*a*) above or the Second Division Attached Offices examination) were permitted to take this examination for

(i) the First Division Secretariat,

(ii) the Second Division Secretariat,

(iii) the First Division Attached Offices,

unlike their fellow colleagues in the Secretariat?

(*c*) Are Government aware that, under the rules framed by them for admission of candidates to this examination, the matriculate clerks of the Attached Offices were only eligible for the Upper Division of their offices and not for the Second Division of the Secretariat for which category some clerks have been declared successful? How is this anomaly to be explained?

(*d*) What is the number of such matriculates employed in the Attached Offices who have been declared successful for the Second Division?

(*e*) Is it a fact that both the classes of clerks referred to at (*a*) and (*b*) above are eligible for promotion to the next higher category of their respective offices according to a certain fixed percentage?

(*f*) If the answer to part (*e*) is in the affirmative, will Government please state the reasons that led them to make a distinction between the

Attached Office matriculates and the Secretariat matriculates for the purpose of allowing them to take the qualifying examination?

(*g*) Are Government aware that this distinction caused great discontent among the clerks concerned, and is it a fact that representations were made to Government?

(*h*) Do Government propose to redress their grievance by affording them an opportunity of appearing at the next examination as Departmental candidates and extending to them the concessions allowed at the November 1929 examination? If not, why not?

The Honourable Sir James Crerar: (*a*) Yes

(*b*) Yes, if recommended by the Heads of their Departments

(*c*) The position of an Assistant in an attached office is slightly superior to that of a second division clerk in the Secretariat, consequently it was considered that if a clerk was held to be fit for Assistant in an attached office he could properly be held fit for the second division in the Secretariat

(*d*) Nine

(*e*) Yes

(*f*) The second division in attached offices consisted partly of persons who had qualified for the second division and partly of persons qualified as typist and routine clerks I understand that the Public Service Commission considered it undesirable to distinguish between clerks who were working in the same division in the same office These conditions did not prevail in the Secretariat

(*g*) Certain representations were made in the matter

(*h*) There will be no departmental qualifying examinations in future, but under the rules it is open to departments, in cases of exceptional merit, to promote third division clerks to the second division in not more than one of every five vacancies.

EXPENDITURE FROM RAILWAY REVENUE ON THE BAMUNGACHI SHOOTING CASE.

825. ***Pandit Nilakantha Das:** (*a*) Will Government be pleased to state what amount of expenditure has been incurred from the Railway revenue to conduct the case in connection with the Bamungachi shooting incident to defend the Railway officials?

(*b*) Will Government be pleased to lay on the table the correspondence that passed between the Railway Board and the Government of Bengal or the Advocate General of Bengal in connection with the Appeal preferred against the acquittal of S]. Shanti Ram Mondal?

Mr. A. A. L. Parsons: (*a*) Information will be obtained and supplied to the Honourable Member on its receipt

(*b*) The Honourable Member presumably refers to correspondence between the Government of India and the Bengal Government Government regret that they are not prepared to lay this correspondence on the table.

RESEARCH IN PLANT PHYSIOLOGY AND SCHOLARSHIPS FOR AGRICULTURAL RESEARCH AND ANIMAL HUSBANDRY.

826 ***Mr. K. C. Neogy:** (*a*) Are researches in plant physiology conducted at the Agricultural Institute at Pusa? If so, are annual accounts of the results of such researches published, and has any of them received any appreciative notice so far in scientific journals published abroad?

(*b*) Does the Imperial Council of Agricultural Research intend to encourage better teaching of physiology of plants and research therein? If so, in what manner?

(*c*) Are Government aware of any institution in India where research is carried on in plant physiology? If so, is the Imperial Council of Agricultural Research considering the question of helping it in any way?

(*d*) Is there any intention on the part of the said Council or Government to grant scholarships to suitable Indians to qualify themselves in agricultural research and animal husbandry in any foreign country like Denmark which is a leading centre of such research and scientific study?

Sir Frank Noyce: (*a*) There is no separate section of plant physiology at the Pusa Research Institute and such research in that subject as has been conducted there has been connected with and subsidiary to problems in plant-breeding The results of the research work carried out at Pusa are published in the Memoirs and Bulletins of the Imperial Department of Agriculture in India and the work done has repeatedly received appreciative references in scientific journals published abroad

(*b*) The attention of the Imperial Council of Agricultural Research will be invited to this matter

(*c*) Research in plant physiology is carried out in several institutions in India which are in receipt of assistance from Government

It is open to any institution to apply to the Imperial Council of Agricultural Research for a grant for research in any branch of agricultural science

(*d*) The question has already been remitted to the Council of Agricultural Research for consideration

NUMBER OF MEMBERS OF EACH COMMUNITY IN DIFFERENT RANKS OF THE ARMY

827. ***Mr. Mukhtar Singh:** (*a*) Will Government be pleased to state how many Indians have up to now been given King's Commissions and how many of these commissions are honorary?

(*b*) How many of these commissions are allotted to Hindus, Sikhs, Muhammadans and Christians and untouchables?

(*c*) How many Indians have been given Viceroy's commissions till now, and how many of these are Hindus, Sikhs, Muhammadans, Christians and so-called untouchables?

(*d*) How many Indian other ranks and Indian camp followers are there in the Army? How many of them are Hindus, Sikhs, Christians and depressed classes?

Mr. G. M Young: 78 Indians have hitherto passed out of Sandhurst and have been granted King's Commissions 29 of these were Hindus, 25 were Muhammadans, 18 were Sikhs, one a Burman and one a Christian. The remainder of the information desired by the Honourable Member is not available, and could only be collected, if at all, by the expenditure of an amount of time and labour, which would be disproportionate to its value result

MILITARY CONTRACTORS.

828 ***Mr. Mukhtar Singh:** What is the total number of military contractors entered in the register of military authorities and how many of them are Hindus, Sikhs, Mohammadans and belong to the depressed classes?

Mr. G. M. Young: There is no register showing the total number of contractors employed by the various military authorities, nor would it be practicable to compile such a register I am sorry therefore that I cannot give the information required by my Honourable friend

REPRESENTATION OF THE ARYA SAMAJ IN THE DELHI UNIVERSITY

829 ***Mr. Mukhtar Singh:** With reference to my starred questions Nos 560 and 561 answered in the Legislative Assembly on the 18th February 1929, will Government be pleased to state the conclusions arrived at by Government on the communication received from the Arya Samaj, Delhi?

Sir Frank Noyce: Government were unable to accede to the request made in the communication referred to by the Honourable Member A representative of the Arya Samaj, Delhi, has however been appointed as a Member of the Court by the Chancellor of the Delhi University.

RACIAL DISCRIMINATION IN LEAVE RULES ON THE BOMBAY BARODA AND CENTRAL INDIA RAILWAY

830. ***Rai Sahib Harbilas Sarda:** (*a*) Is it a fact that the Indian officers of the Bombay, Baroda and Central India Railway have been representing matters for several years and asking for the removal of racial discrimination against them in the application of leave rules?

(*b*) Is it a fact that in the same city of Bombay, the old Great Indian Peninsula Railway has made no such racial discrimination in the leave rules against its Indian Officers, while the Bombay, Baroda and Central India Railway does?

(*c*) Will Government state if there is any other State-owned railway in India which has such racial discrimination against the Indian officers in the matter of leave regulations?

(*d*) Is it a fact that the Bombay, Baroda and Central India Railway Company has recently issued a fresh set of leave rules, but that, even in them, these discriminations have not been removed, and that they are far less favourable than those applicable to the European officers?

(*e*) Is it a fact that these new leave rules have not been brought into line with those in force on the State Railways?

(*f*) Is it true that whereas a European officer on the Bombay, Baroda and Central India Railway can get 22 months' combined leave at a time, the Indian officer is restricted to six months' combined leave only?

(*g*) Is it true that whereas the European officer earns furlough at the rate of one-fourth of active service rendered, the Indian officer earns it at the rate of one-eleventh only?

(*h*) Is it true that, whereas the European officer gets one month's sick leave on full pay per year non-cumulative without affecting his other leave and furlough, no such leave is given to the Indian officer though he may be ill?

(*i*) Is it true that, whereas the European officer can get 22 months' combined leave after retirement, the Indian officer is allowed six months' combined leave only?

(*j*) Is it true that the European officer can commute his furlough irrespective of his going overseas, whereas the Indian officer can only commute it provided he goes overseas?

Mr. A. A. L. Parsons: (*a*) Government believe it to be so

(*b*) No, the leave rules of the old Great Indian Peninsula Railway gave greater leave benefits to European officers

(*c*) Both the revised leave rules of the Bombay, Baroda and Central India Railway and the revised leave rules applicable to State Railway employees allow a more liberal scale of leave to persons of non-Asiatic domicile, but the increased limits in the B , B and C I rules are much higher

(*d*) Yes, except that the discrimination is on domicile and not on race.

(*e*) Yes, but Government propose to invite the Company to consider a revision of their rules on the basis of the revised leave rules applicable to State Railway employees

(*f*), (*h*) and (*i*) The answer is in the affirmative if a comparison is made of the privileges applicable to officers of non-Asiatic domicile with those applicable to officers of Asiatic domicile

(*g*) Officers of non-Asiatic domicile earn furlough at the rate of a quarter of active service and officers of Asiatic domicile at the rate of 30 days for each calendar year

(*j*) Yes, except that an officer of Asiatic domicile can commute furlough on half pay into furlough on full pay up to a maximum of four months on each occasion if the leave is taken on Medical Certificate and spent in India or Ceylon

RACIAL DISCRIMINATION IN LEAVE RULES ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

831 ***Rai Sahib Harbilas Sarda:** (*a*) Are the new leave rules which are in force on the Bombay, Baroda and Central India Railway as applicable to the Indian officers also applicable to the Anglo-Indian Officers?

(*b*) If the answer to part (*a*) be in the affirmative, what is the date fixed, after which Anglo-Indian officers recruited would be governed by the new leave rules?

(*c*) What is the number of Indian officers who were in service before the date which may be mentioned in reply to part (*b*) above?

(*d*) What is the number of Anglo-Indian officers who were in service before the date mentioned in reply to part (*b*) above and who are getting the benefit of the old leave rules as applicable to the European officers?

(e) Is it true that even the European subordinates drawing over Rs. 300 per month and in certain cases drawing even Rs. 150 per month, in service before the date mentioned in reply to part (b) above, get the benefit of these old leave rules as applicable to the European officers, and which are denied to the Indian officers?

(f) Will Government state what action they propose to take for the removal of these racial discriminations?

(g) Are Government prepared to advise the Bombay, Baroda and Central India Railway company to bring its leave rules for Indian Officers into line with those in force on the State managed Railways?

Mr. A. A. L. Parsons: (a) They are applicable to all officers of Asiatic domicile.

(b) All Anglo-Indian Officers of Indian Domicile appointed after the 1st April 1929, come under the revised leave rules

(c) and (d) Information will be obtained and supplied to the Honourable member on its receipt

(e) Yes

(f) and (g) Attention is invited to the reply given by me to clause (e) of the Honourable Member's previous question

Pandit Hirday Nath Kunzru: May I ask the Honourable Member whether he is developing a style of speaking which makes it impossible to follow him?

Mr. A. A. L. Parsons: I hope not

Mr. President: Every one has his own style

Pandit Hirday Nath Kunzru: I thought the Honourable Member was improving

PURCHASE OF THE BUSINESS OF THE DELHI ELECTRIC SUPPLY AND TRACTION COMPANY BY THE DELHI MUNICIPALITY

832. ***Mr. B. Das:** (a) With reference to Mr K C. Roy's starred questions Nos 573 and 574 regarding the Delhi Electric Supply and Traction Company, on the 12th March, 1930, will Government be pleased to communicate to the House the reply thereto?

(b) Will Government be pleased to state when the Delhi Electric license of the present licensees will expire?

(c) Have Government obtained the opinion of the local authorities, the Delhi Municipality, as to their intention to purchase the undertaking for the Municipality?

(d) Has the Delhi Municipality asked Government for any loan towards the purchase of Delhi Electric Supply Co ?

The Honourable Sir Bhupendra Nath Mitra: (a) When a reply to Mr K C Roy's questions referred to is furnished to him, a copy thereof will be placed in the Council Library for the information of the House

(b) and (c) The licence will expire in 1947, and so far as Government are aware no proposal has been made by the Delhi Municipality that they should buy the rights of the Company under the licence, which has been granted by the Chief Commissioner.

(d) No such application has been received

PURCHASE OF THE BUSINESS OF THE DELHI ELECTRIC SUPPLY AND TRACTION COMPANY BY THE DELHI MUNICIPALITY OR THE GOVERNMENT OF INDIA.

833. ***Mr. B. Das:** (*a*) Will Government be pleased to state the present capital value of the Delhi Electric Supply and Traction Co Ltd ?

(*b*) Have Government computed the figure that will be paid to the Company in case option of purchase is exercised either by the local authorities or by the Local Government—the Government of India?

(*c*) Is it a fact that under the Indian Electricity Act the option of purchase evolves on the Government of India—in case local authorities are not in a position to do so?

The Honourable Sir Bhupendra Nath Mitra: The information asked for is being collected and will be supplied to the Honourable Member in due course.

RATES CHARGED FOR SALT TO TRADESMEN OF THE SAMBALPUR DISTRICT.

834 ***Mr. B. Das:** (*a*) Have Government received a petition signed by the salt merchants in Orissa and addressed to the Salt Commissioner of Madras, of which a copy was forwarded to the Honourable the Finance Member?

(*b*) Is it a fact that salt monopolists at the Ganjam factories charge different prices for different districts?

(*c*) Is it a fact that traders of Sambalpur District are charged rates varying between seven to nine annas per maund, while traders at Cuttack pay much less?

(*d*) Is it a fact that the Government rate for sale *ex* factory is four annas per maund?

(*e*) Do Government propose to see that no unfair rates are charged by salt monopolists to tradesmen of the Sambalpur District?

The Honourable Sir George Schuster: Yes, the Government have received the petition and have already asked for reports on the subject When the replies are received I shall inform the Honourable Member of the result

Pandit Nilakantha Das: Is it not the duty of the officials of the Salt Department to see that the price and supply of salt is controlled all over India?

The Honourable Sir George Schuster: The Government of India do not exercise any control over the retail prices of salt

WITHHOLDING IN THE DELHI TELEGRAPH OFFICE OF A TELEGRAM ABOUT THE SARDA ACT.

835. ***Maulvi Sayyid Murtuza Saheb Bahadur:** (*a*) Will Government be pleased to state if it is a fact that a message sent to the Press from the office of the *Jamiatul Ulmaa-e-Hind* regarding the Sarda Act and Mussalman's attitude was withheld by the Telegraph officer of Delhi?

(*b*) If so, what is the reason?

Mr. H. A. Sams: (*a*) Yes, a message of the 10th March, 1930, was withheld

(*b*) The message was considered objectionable and its transmission was withheld under rule 13 of the Indian Telegraph Rules, 1927

Maulvi Mohammad Shafee Daoodi: What were the grounds on which it was held objectionable?

Mr. H. A. Sams: I can only say that the telegram was held to be objectionable That was the ground on which it was withheld

Mr. K. C. Roy: By the Telegraph Master or by the Local Government?

Mr. H. A. Sams: By a responsible official of the Telegraph Department

Mr. Gaya Prasad Singh: Will the Honourable Member point out the objectionable passages in the message?

Mr. H. A. Sams: I have not memorised the message and even if I had, I would not be prepared to say what were the objectionable passages If any gentleman wants to find out what it was about, he can ask the Mender

Mr. Abdul Latif Sahib Farookhi: Were any similar messages withheld?

Mr. H. A. Sams: As far as I am aware, no, Sir.

Maulvi Mohammad Shafee Daoodi: Is the Honourable Member aware that things like that are repeated, recently in another message sent by Maulana Muhammad Ali on the same question?

Mr. H. A. Sams: I have no information

APPOINTMENT OF MUSLIM ENGINEERS IN THE DELHI PUBLIC WORKS DEPARTMENT.

836. ***Mr. Abdul Latif Sahib Farookhi:** (*a*) Is it a fact that no Muslim Temporary Engineer was appointed in the Delhi Public Works Department since 1923? If not, why not?

(*b*) With reference to the reply to question No 101 in the Council of State on the 17th September, 1928, will Government be pleased to lay on the table a statement showing the names of the registered Muslim candidates for the post of Engineers in the Delhi Public Works Department?

The Honourable Sir Bhupendra Nath Mitra: (*a*) No

(*b*) A statement was furnished to the Honourable Mr Suhrawardy with Mr Clow's demi-official letter No E -87, dated the 24th October 1928 A copy of the statement is being sent to the Honourable Member separately

SAFEGUARDING OF MUSLIM CLAIMS IN THE DELHI PUBLIC WORKS DEPARTMENT.

837. ***Mr. Abdul Latif Sahib Farookhi:** Will Government be pleased to state what action has been taken to safeguard the Muslim claims in compliance with Lord Reading's declaration published in the *Statesman* of the 1st January, 1925, and to prevent class monopoly in the Delhi Public Works Department?

The Honourable Sir Bhupendra Nath Mitra: Instructions have been issued to the Chief Engineer, Public Works Department, Delhi, to ensure the adequate representation of minority communities (including Muslims) in the clerical and subordinate technical establishments under his control

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UNSTARRED QUESTIONS AND ANSWERS

THE CONNAUGHT PLACE BOOKING OFFICE, NEW DELHI

315. **Pandit Nilakantha Das:** (*a*) Is it a fact that the New Delhi Connaught Place Booking Office was opened for goods traffic about 12 months ago?

(*b*) Is it a fact that in the last week of October 1929, the Railway authorities at Lahore Junction refused to accept goods for that booking office, on the plea that they were not aware of the booking office?

(*c*) Is it a fact that the matter was reported by the consignee to the Divisional Superintendent, North Western Railway, Delhi who forwarded it to the authorities at Lahore *vide* his letter No 4118-CD/29, dated the 9th December, 1929?

(*d*) Is it also a fact that the consignee has sent half a dozen reminders to the Railway authorities at Lahore during the last three months but has heard nothing in reply?

(*e*) What action do Government propose to take in the matter to avoid repetition of such action on the part of Railway officials?

Mr. A. A. L. Parsons: (*a*) Yes

(*b*), (*c*), (*d*) and (*e*) I am obtaining a report and will communicate with the Honourable Member in due course

INDEBTEDNESS OF GOVERNMENT SERVANTS

316 **Pandit Nilakantha Das:** (*a*) Is it a fact that, under rule 16 of the Government Servants Conduct Rules, Government servants habitually in debt should be dismissed from service?

(*b*) Is it a fact that action under this rule is not taken against the employees of the Government of India Secretariat and Attached Offices who are reported to the heads of their offices to be in debt?

(*c*) Is it a fact that, instead of taking disciplinary action, the officers of the Indian Stores Department started a private fund for liquidating the debts of thousands of rupees against a clerk and closed the fund only when it was found that instead of reducing, his debts were further increasing?

(*d*) How many victims of the extravagance of the clerk have during the last two years verbally or in writing reported to the officers of Indian Stores Department regarding their outstanding claims?

The Honourable Sir Bhupendra Nath Mitra: (*a*) When a Government servant has been adjudged or declared insolvent, or when a moiety of his salary is constantly being attached, has been continuously under attachment for a period exceeding two years, or is attached for a sum which, in ordinary circumstances, cannot be repaid within a period of two years, he will be considered liable to dismissal under rule 16

(*b*) I invite the Honourable Member's attention to the reply given to Mr. Siddheshwar Prasad Sinha's starred question No 873 on the 25th September, 1929

(*c*) No The question of the indebtedness of the clerk referred to was taken into consideration immediately it assumed serious proportions and the matter has not yet been closed

The clerk was informed by the Chief Controller of Stores, on the 20th January, 1930, that unless he succeeded within three months in freeing himself from debt or at least in reducing his liabilities to an extent which would permit of their being entirely liquidated in a reasonable period, a recommendation would be made to the Government of India for the termination of his appointment, under rule 16 of the Government Servants' Conduct Rules

No fund was started by the officers of the Indian Stores Department, for the purpose of liquidating the clerk's debts One-half of his pay was attached monthly under the orders of the courts for the purpose As these deductions and also the deductions from his pay to meet Government dues on account of house rent, etc , left him a small sum monthly which was totally inadequate for the maintenance of himself, his wife and four children, some members of the staff contributed, as a purely private arrangement, a small sum monthly for a short period to help him and his family to eke out a bare existence As, however, it was found that he continued to incur liabilities, this voluntary assistance was withdrawn

(*d*) Four

INDEBTEDNESS OF GOVERNMENT SERVANTS.

317. **Pandit Nilakantha Das:** (*a*) Is it a fact that a Superintendent in the Wireless Branch of the Director General of Posts and Telegraphs and also a clerk in the Library of the Railway Board are in debt?

(*b*) If the replies to the above be in the affirmative, will the Government be pleased to state whether any action under the Government Servants' Conduct Rules has been taken against the clerks referred to? If not, why not?

(*c*) Do Government propose to draw the attention of the heads of the various Departments of the Government of India to the provisions of the Government Servants' Conduct Rules regarding the action that should be taken against those in debt irrespective of their position or nationality?

The Honourable Sir Bhupendra Nath Mitra: (*a*) Yes

(*b*) The Superintendent referred to in part (*a*) has since liquidated practically the whole of his debts. The case of the Librarian of the Railway Board's office does not come under rule 16 of the Government Servants' Conduct Rules and no action has therefore been taken against him.

(*c*) I invite the Honourable Member's attention to the reply given to part (*b*) of his previous question

POSTS IN THE GOVERNMENT OF INDIA PRESS, SIMLA.

318. **Mr. Mukhtar Singh:** (*a*) With reference to the answers to my unstarred questions Nos 261 to 263 and 274, on the 26th September, 1929, regarding the Government of India Press, Simla, will Government be pleased to state whether they propose to take any action in the matter of the practice in vogue in the Simla Press in giving high responsible posts to persons of inferior education both technical and literary?

(*b*) Is it a fact that a few learners were sent to England to pick up the work of an Assistant Manager?

(*c*) If the answer to (*b*) is in the affirmative, will Government please state whether they have come back? If so, where have they been posted and in what capacity?

The Honourable Sir Bhupendra Nath Mitra: (*a*) I have nothing to add to the reply given by me to the Honourable Member to his unstarred questions Nos 261 to 263 and 274 on the 26th September, 1929

(*b*) Yes, a few scholars have been sent to England for training in the art of printing and allied trades

(*c*) One scholar has returned and has been posted as an overseer in the Calcutta Press

EDUCATIONAL QUALIFICATIONS OF THE ASSISTANT MANAGER OF THE GOVERNMENT OF INDIA PRESS, SIMLA.

319. **Mr. Mukhtar Singh:** (*a*) Will Government be pleased to state the educational qualifications of one Mr Jawahar Khan, Assistant Manager of the Government of India Press, Simla?

(*b*) Is it a fact that the office records clearly show that he commits grammatical mistakes, as "why did you went", "why did you done" and "send to time", which are not expected from a person of ordinary education?

(*c*) If the answer to (*b*) is in the affirmative, have Government considered the question of the desirability of removing this gentleman from this responsible post and of appointing one of those gentlemen who were specially sent to England for training in this line?

The Honourable Sir Bhupendra Nath Mitra: I propose to deal with questions Nos 319, 320 and 321 together The Controller of Printing and Stationery is responsible to Government generally for the efficient administration of the Government of India Press and Government do not propose to call for information regarding these administrative details, which are matters for his discretion

PERSONAL RECORDS OF THE OFFICIATING ASSISTANT MANAGER OF THE GOVERNMENT OF INDIA PRESS, SIMLA.

†320 **Mr. Mukhtar Singh:** (*a*) Is it a fact that the personal record of Mr Jawahar Khan, officiating Assistant Manager of the Government of India Press, Simla, is not good and that he was fined Rs 5 some time ago?

(*b*) Is it a fact that he was badly reported upon by Mr Aylmer, and also by the Controller who too wrote against his work?

†For answer to this question, *see* answer to unstarred question No 319

(c) Are Government aware that his treatment towards his subordinates is anything but satisfactory, and that very often he uses bad language to them?

(d) Is it a fact that some compositors made a representation to the late Manager regarding their legitimate grievances and that, instead of taking any notice of these, departmental action was taken against these people?

(e) If answers to (a), (b), (c) and (d) are in the affirmative, have Government considered the question of the desirability of removing Mr Jawahar Khan from his present post?

PROMOTIONS IN THE GOVERNMENT OF INDIA PRESS, SIMLA

†321 **Mr. Mukhtar Singh:** (a) Is it a fact that one B Niaz Mohammad, a receipt clerk without experience of the composing work, was promoted to the post of a time-checker? If so, was this gentleman related to Mr Jawahar Khan?

(b) If so, will Government please state what action they propose to take in the matter?

(c) Is it a fact that consequent on the amalgamation of both the Government Presses, one B Mushtaq Ahmed, a junior compositor, was served with a notice of being retrenched and of being offered a post of a lino operator?

(d) Is it a fact that, after having worked for a few months on the lino machine, he was promoted as an officiating section holder, although in 1925 Mr Aylmer found the Lino Section in a hopeless state and consequently reverted him to his former post with the remarks that he should never in future be promoted to the post of a section-holder?

(e) If the answer to part (d) is in the affirmative, will Government please state why this gentleman has again been offered a chance soon after the transfer of Mr Aylmer?

HOURS IN GOVERNMENT OF INDIA PRESSES

322. **Mr. Mukhtar Singh:** Is it a fact that the tiffin time from 1-30 to 2 P.M., given to the employees in the Government of India Presses, is not included in the office time and that the men are made to stay half an hour longer? If so, have Government considered the undesirability of the existing practice and what steps do Government propose to take in order to redress this grievance?

The Honourable Sir Bhupendra Nath Mitra: I presume that the Honourable Member refers to the clerical staff The normal hours of work are from 10 A.M. to 5 P.M. and no clerk is required to remain half an hour longer in office by reason of the fact that he avails himself of a lunch interval of half an hour The latter part of the question does not arise

HOURES IN THE GOVERNMENT OF INDIA PRESS, SIMLA.

323. **Mr. Mukhtar Singh:** (a) Is it a fact that the employees of the Government of India Press, Simla, are compelled to stay overtime? If so, under what rules are they compulsorily booked for overtime?

(b) Is it a fact that a request was made through the Works Committee to reduce the time of the Government of India Press, Simla, specially in the winter months? If so, what action did Government take in the matter?

†For answer to this question, *see* answer to question No 319.

The Honourable Sir Bhupendra Nath Mitra: (*a*) Except in cases of sickness and emergent private affairs, the employees of the Press are expected to work overtime when required This liability is part of the ordinary conditions of their service

(*b*) The Government of India have no record of any such request made through the Works Committee of the Press The latter part of the question does not arise

SALARIES OF COMPOSITORS IN GOVERNMENT OF INDIA PRESSES.

324. **Mr. Mukhtar Singh:** Is it a fact that the average salary of a compositor in the Government of India Presses is far below the amount which they drew under the old piece system? Did the men draw the attention of the Government of India to this fact, and did they ask for a time-scale of pay? If so, what action do Government propose to take in the matter?

The Honourable Sir Bhupendra Nath Mitra: The Honourable Member apparently refers to certain piece work compositors in the old Government Central Branch Press at Simla who were, with their consent, placed on fixed rates of pay when that Press was amalgamated with the Monotype Press to form the present Government of India Press at Simla The men earned higher wages as piece work compositors, but as there was no provision for piece work composition in the reorganized Press, they agreed to be employed on fixed rates of pay corresponding to those fixed for salaried compositors in the old Monotype Press A petition from these men asking for the substitution of time scales of pay for their present fixed graded scales of pay was received by the Government of India in 1925 and rejected after careful consideration

PROVIDENT FUND FOR GOVERNMENT OF INDIA PRESSES.

325 **Mr. Mukhtar Singh:** Is it a fact that a question was asked in the Legislative Assembly about the Provident Fund for the Government of India Presses and the Government replied that the rules were being considered by the Secretary of State for India? If so, how does the position stand now and when are the new rules to be promulgated?

The Honourable Sir Bhupendra Nath Mitra: Yes The attention of the Honourable Member is invited to the reply given by me in the Legislative Assembly on the 21st March, 1930, to Mr S. C Mitra's starred question No 720

QUARTERS FOR EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, SIMLA

326. **Mr. Mukhtar Singh:** (*a*) Is it a fact that the Government Press employees at Simla were promised by the late Board of Industries that they would be provided with quarters near the Press and that to carry out this a site was selected near the Forest Nursery in Tutikandi? Is it a fact that this proposal was subsequently dropped and that the old Monotype Press was enlarged but that no quarters have been built near the Press? Are Government aware that the limited number of quarters on the ground floor of the Babu Barracks on the Cart Road is quite insufficient and too far away from the Press?

(b) Is it also a fact that the quarters at Dhar known as the "quarters for the Press employees" which were vacated by the Foreign and Political Department Press were offered to the Government Press at a high rate of rent? Are Government aware that this rate was too much to meet the pockets of the poorly paid men of the Press?

The Honourable Sir Bhupendra Nath Mitra: (a) The reply is in the affirmative except that the quarters allotted in the Indian Clerks' Barracks to the Press employees are not at a great distance from the Press

(b) The Dhar quarters were offered to the Press employees on rents based on the cost of building and repairs, but the offer was rejected by the men concerned as they considered that the rents were too high

PROVISION OF A RAILWAY STATION AT THE HEADQUARTERS OF THE DISTRICT OF FARIDPUR

327. **Mr. K. C. Neogy:** (a) What action has been taken in the direction of providing a permanent railway station at the headquarters of the District of Faridpur in Eastern Bengal, together with necessary amenities, such as suitable platforms and waiting rooms, etc?

(b) Have responsible railway officials consulted public opinion at Faridpur in regard to the location of the station and other connected matters?

(c) Have the District Board, the Municipality, the People's Association and the Merchants' Association at Faridpur been formally consulted on the subject? If not, why not?

Mr. A. A. L. Parsons: (a), (b) and (c) Government have no information, but a copy of the Honourable Member's question will be forwarded to the Agent

MURDER OF A POSTAL MAIL RUNNER

328 **Mr. K. C. Neogy:** (a) Are Government aware that a few months ago, a postal mail runner was brutally murdered and a considerable amount of money looted in a place called Kamarhatty, only about three miles from Calcutta?

(b) If so, what special action has been taken since to ensure the safety of mail runners in localities where such murders or robberies have taken place?

Mr. H. A. Sams: (a) Yes The official was a Cash Overseer

(b) Arrangements for the conveyance of cash by officials travelling in motor vans are under consideration In the meantime police escorts have been provided as a temporary measure for the cash overseers who have to work in the mill areas

REDUCTION OF INTERMEDIATE CLASS FARES OF THE EASTERN BENGAL AND ASSAM BENGAL RAILWAYS

329. **Mr. K. C. Neogy:** (a) With effect from which date or dates did the Eastern Bengal and Assam Bengal Railways, respectively, carry out the reduction in intermediate class passenger fares in 1929?

(*b*) Is it a fact that in through bookings from the Assam Bengal Railway and steamer service stations, the reduction in the Eastern Bengal intermediate class fares was not taken account of for about a month? If so, why?

(*c*) If the answer to the first part of part (*b*) is in the affirmative, will Government be pleased to state the total extra amount that was collected by such excess charge?

(*d*) Was any application for refund of such excess charge made by any passenger? If so, with what result?

Mr. A. A. L. Parsons: (*a*) Inter class passenger fares over the Eastern Bengal and Assam Bengal Railways were not reduced in 1929

(*b*), (*c*) and (*d*) Do not arise.

SHORT NOTICE QUESTIONS AND ANSWERS

Collision between the Police and Public at Rangoon.

Mr Jehangir K. Munshi: (*a*) Will Government be pleased to call for full detailed information from the Government of Burma with regard to the clash between the Police and a section of the public at Rangoon on the 19th of March and the riots which are alleged to have taken place at Rangoon in connection with Mr J M Sen Gupta's trial?

(*b*) Will Government communicate to this House full information in connection with the matters specified in the last question?

(*c*) Are Government prepared to issue instructions to the Government of Burma to impress on the police the necessity of non-interference with crowds and restrained behaviour on such occasions?

The Honourable Sir James Crerar: (*a*) and (*b*) The report of the Local Government states that a group of persons persisted in parading up and down the street in front of the District Magistrate's Court House They were directed on to the pavement by the police, who were keeping the road clear for traffic, but refused to obey One of their number was then arrested The crowd thereupon began throwing stones at the police, who cleared the street and the compound opposite the Court, where crowd had collected About an hour later, the crowd began to re assemble and were again dispersed Three members of the crowd were arrested, of whom one is being prosecuted under sections 147 and 150, Indian Penal Code The latest information shows that 43 persons, including 9 police, attended hospital for injuries. Mr S A S Tyabji, who attempted to check the stone throwing, was unfortunately struck by a brick No fire-arms were used and no troops were employed or requisitioned A force of 125 military police were sent for as a precaution and arrived after order was restored Fifty military police were also present to assist in preventing the crowd collecting again during the subsequent hearing of the case. No further disturbance is reported.

(*c*) I do not consider that any instructions are necessary

Maulvi Sayyid Murtuza Saheb Bahadur: Has the attention of the G ernment been drawn to the statement made by Mr S Tyabji and ot gentlemen regarding these disturbances, which has appeared in *Hindustan Times*?

The Honourable Sir James Crerar: I saw a statement in the Pr ascribing Mr Tyabji's injury to some other cause, but my information that he was hit by a brick thrown by one of the crowd

Mr. Jehangir K. Munshi: As the statement read out by the Honoura the Home Member is hopelessly inadequate, with your permission, Sir shall endeavour to elicit further information by a series of supplement questions

Are Government aware that the trouble started by reason of Europe police sergeants trying to snatch away the national flag from members the crowd?

The Honourable Sir James Crerar: I have no information to th effect

Mr. Jehangir K. Munshi: Will Government issue instructions to t Government of Burma that no attempt should be made by their offici to interfere with or to snatch away the national flag or any other fla

The Honourable Sir James Crerar: I cannot undertake to issue a instructions to the Government of Burma which would restrict such acti as they think necessary in face of danger or disturbance to peace

Mr. Jehangir K. Munshi: Will Government tell the House wheth they are prepared to interfere with the carrying of the national flag by non-violent crowd?

The Honourable Sir James Crerar: I do not think that question aris out of the Honourable Member's original question.

Mr. Jehangir K. Munshi: Would the Government of India approve any of the Local Governments, through their police authorities, trying snatch away the national flag?

The Honourable Sir James Crerar: This is entirely a hypothetical que tion

Mr. Jehangir K. Munshi: If no violence is created and if there is n danger to law and order, would Government approve the snatching awa of the national flag?

The Honourable Sir James Crerar: That is an even more hypothetic question

Mr. Jehangir K. Munshi: Are Government aware that Mr Tyabji wa deliberately assaulted by two European sergeants?

The Honourable Sir James Crerar: No, Sir I have no information t that effect

Sir Hugh Cocke: Are Government taking any steps to ascertain th person or persons responsible for the rumour that military troops wer used or brought to the scene to fire on the mob, and will Government tak steps to institute prosecutions against such person or persons if it consi ders necessary?

The Honourable Sir James Crerar: I am not aware who is responsible for this rumour Perhaps the Honourable Member from Burma, who included that point in his question, may be in a position to reply

Mr. Jehangir K. Munshi: Sir, there are two inaccuracies, first by my Honourable friend, Sir Hugh Cocke, and second by the Honourable the Home Member, which I wish to correct The only report which was available to me when I gave notice of these short notice questions and when I gave notice of my Motion for Adjournment was the Associated Press report which said that troops were called out and used in connection with this disturbance, no suggestion has been made either by the Associated Press or by me that the troops fired on the mob But may I ask the Government of India whether they are aware that the Gurkhas and the Lancers were actually called out and posted at different points outside and near the District Magistrate's Court?

The Honourable Sir James Crerar: No, Sir No troops were either employed or requisitioned, or asked to stand by No orders were given regarding the movement or disposition of troops

Mr. Jehangir K. Munshi: Has the Honourable Member satisfied himself whether or not the Gurkhas were posted at different points on the 19th of March?

The Honourable Sir James Crerar: No troops of any kind were employed for any purpose in connection with the disturbance

Mr. W. S. Lamb: Is it not a fact that military police are employed up and down the country in the province on ordinary police duties and they were doing such duties on this occasion also?

The Honourable Sir James Crerar: On this occasion, they were merely called as a precaution They were not employed in the dispersal of the crowd

Mr. Jehangir K. Munshi: Has the attention of the Government of India been drawn to the news published in the *Hindustan Times* yesterday that U Ba Pe, M L C, the Leader of the Opposition in the Burma Legislative Council, has addressed complaints to the Commissioner of Police, Rangoon, and the Home Member of the Government of Burma, that a number of European sergeants and Indian policemen rushed into the premises of the *Sun* Press and attacked the Burmese and Indian employees and did damage to property?

The Honourable Sir James Crerar: I have not seen the article referred to

Mr. Jehangir K. Munshi: Will Government call for a report from the Government of Burma in connection with U Ba Pe's complaint and lay it before the House?

The Honourable Sir James Crerar: If as I understand, the communication was made to the local authorities, I see no necessity for taking the course suggested by the Honourable Member

Mr. Jehangir K. Munshi: Am I to understand that the Government of India refuse to verify the statement made by U Ba Pe, the Leader of the Opposition in the Burma Legislative Council and refuse either to admit or to contradict it?

The Honourable Sir James Crerar: I think that is really a matter to be taken up in the Burma Legislative Council

Mr. President: Is the Burma Legislative Council sitting?

Mr. A. H. Ghuznavi: No, Sir

Mr. Jehangir K. Munshi: Are Government aware that several European sergeants and Indian policemen rushed into the Sangu Valley tea shop and indiscriminately assaulted a number of persons there unconnected with the crowd, and caused considerable damage to property?

The Honourable Sir James Crerar: No.

Diwan Chaman Lall: May I ask the Honourable Member if he is prepared to institute an inquiry into the allegations now being made in regard to this matter?

The Honourable Sir James Crerar: A case is already pending in the court, and I hope Honourable Members will not ask me questions which might prejudice the issues now under trial

Diwan Chaman Lall: May I ask the Honourable Member whether the allegations now made by Mr Munshi on the floor of this House, to which the attention of the Honourable Member has been drawn, are matters pending before any court, whether the charges are that certain assaults were committed on certain citizens in Rangoon, and whether the Honourable Member is prepared to make an inquiry into these allegations or not?

The Honourable Sir James Crerar: That is a matter for the Local Government

Diwan Chaman Lall: May I ask the Honourable Member whether it is not a matter of law and order, for which he ultimately is responsible and the Government of India are ultimately responsible

The Honourable Sir James Crerar: The Local Government are primarily responsible

Diwan Chaman Lall: Is the Honourable Member ultimately responsible or not?

Mr. Gaya Prasad Singh: No

Diwan Chaman Lall: May I ask for a reply on this question? Whether the Honourable Member-in-charge of law and order and the Government of India are ultimately responsible in this matter or not?

The Honourable Sir James Crerar: The Government of India are certainly responsible for the general policy, but not for the actual incidents of a particular executive action taken in emergent cases which are matters for the local authorities

Diwan Chaman Lall: May I ask if a wrong had been done in regard to this matter and certain citizens of Rangoon had complained that a wrong had been done, whether the responsibility for finding out whether the allegations are correct or not rests upon the Government of India or not?

The Honourable Sir James Crerar: To any person aggrieved the courts are open.

Diwan Chaman Lall: May I ask whether the Honourable Member has given this as his considered reply when very serious allegations are made against his officials?

(No answer was given.)

Mr. Jehangir K. Munshi: Are Government aware that the police indulged in indiscriminate acts of hooliganism, entered private premises and assaulted people in different parts of Rangoon, apart from the scene of disturbance?

The Honourable Sir James Crerar: My information is to the totally contrary effect.

MOTION FOR ADJOURNMENT

Collision between the Police and Public at Rangoon.

Mr. President: Order, order. I think we must now come to Mr. Munshi's notice of motion for adjournment. Some of the matters proposed to be discussed by that motion are in my opinion more or less *sub judice*, but I was doubtful whether, if troops were called out or used, I should not admit the motion. But now that it has been made quite clear by the Leader of the House that the troops were neither requisitioned nor used,

Mr. Jehangir K. Munshi (Burma Non-European): Not posted.

Mr. President: Therefore I am not satisfied that any case has been made out for a motion for adjournment. I must therefore, rule the motion out of order.

Mr. Jehangir K. Munshi: In this connection, will you permit me, Sir, to refer to the further notice which I gave this morning, amending the original text of my motion for adjournment?

Mr. President: Order, order. The Honourable Member wishes to amend his original motion for adjournment. That motion has already been disposed of. In any case I am not prepared to permit notices of motions for adjournment to be amended from day to day as new situations arise. (Hear, hear.)

Mr. Jehangir K. Munshi: Sir, may I request you to treat this as a special case in consideration of the fact that the representatives of Burma in this House are at a serious disadvantage by reason of difficulties in the matter of communications with Burma?

Mr. President: I am sorry.

THE INDIAN FINANCE BILL

The Honourable Sir George Schuster (Finance Member): Sir, I beg to move that the Finance Bill, 1930-31, as amended, be passed.

Mr. President: The question is

"That the Finance Bill, 1930-31, as amended, be passed"

(Several Honourable Members rose in their places and said, "We want to speak" and "We want to oppose it")

Mr. President (to Mr M K Acharya). Did not the Honourable Member speak at the consideration stage?

Mr. M. K. Acharya (South Arcot *cum* Chingleput Non-Muhammadan Rural) I think we can oppose each motion as it comes up

Mr. President: But had the Honourable Member an opportunity to speak at the consideration stage?

Mr. M. K. Acharya: I do not remember, Sir I am not sure

Sardar Kartar Singh (East Punjab Sikh) Sir, I oppose the motion for the passing of the Bill I would be failing in my duty if I were not to raise my voice in protest against this Bill Sir the Honourable the Finance Member has pleaded inability to balance the Budget without having resort to further taxation Now, Sir, I would be the last person to agree to any further taxation on the poor masses of India unless it was absolutely necessary, and I do not see any necessity for this taxation My humble submission is that Government have failed to retrench their expenditure and they have been rightly accused by some Honourable Members of this House of financial profligacy Sir, this Government are maintaining a huge army not for the sake of the defence of India but for Imperial purposes It is a mere army of occupation and not necessary for the needs of India but for the benefit of the British Empire It is over-officered, as is clear from the admission of the late Commander-in-Chief, Lord Rawlinson According to his admission, the services of two thousand British officers can be dispensed with and the remaining officers are quite sufficient for the needs of the Indian Army These extra officers are paid from the Indian treasury This money is paid in order to provide employment for the youths of military families in Great Britain We have not been able so far to induce Government to Indianise the Army Nothing has been done to give employment to the young men of India Indians cannot have any career in the Army All the doors of entry into military services are closed The recommendations of the Sandhurst Committee are thrown into the waste-paper basket No steps have been taken to reduce the expenditure either Sir, our chief difficulty is that the angle of vision of the Government Benches is quite different from that of the elected Members They are not responsible to us but to their masters, the British people They are here not for the good of the people of India, in spite of their professions to the contrary, but to exploit India They have thus faithfully discharged their duty and have succeeded in exploiting India to its utmost Sir, we are heavily taxed in order to maintain a huge army We are taxed to pay fat salaries to superior British officers We are taxed to feed the British manufacturer, and we are taxed to give employment to the British labourer Sir, India was a golden sparrow which used to lay golden eggs every day for Government But Government, instead of well nourishing this sparrow, have neglected it, and have famished and underfed it, with the result that it is on the verge of being starved to death and will refuse to lay golden eggs for the British people Sir, we are so heavily taxed that, after payment of the taxes, nothing is left with the people This Government are a big money-making machine They

know how to get money They have already taxed the people to their utmost capacity, and after the payment of the taxes, practically nothing is left with the people Let us see if anything is left with the people after payment of taxes to Government I venture to say that the major portion of the income of the impoverished masses goes into the Government treasury The system of taxation is so rigid that nothing is left with the people at all Land revenue, water rates, district board rates and cesses, income-tax, super-tax, profession tax, octroi tax, excise tax, opium tax, import and export tax, salt tax, registration fees, court fees and stamp duties and death duties are some of the various taxes that are levied from the people in addition to other indirect taxes

Now, Sir, there are 320 million people residing in India whose main occupation is agriculture Half the net income of the zemindars is taken away by Government in the shape of land revenue, that is, out of every rupee, eight annas are taken as land revenue Out of the remaining half, two annas are again taken from him as district board cess In addition to that the rich people out of them who follow some other occupations also are liable to pay income-tax and super-tax The village artisans are made to pay profession or *Hasiat* tax, and out of the balance the major portion again goes to Government in the shape of excise tax This Government does not believe in the policy of prohibition It is not concerned in the least whether the morals of Indians who are addicted to the vice of taking liquor are going down, but its only concern is to get money out of them The use of opium, bhang, charas, etc , is allowed in order to make money As a matter of fact the opium eaters, bhangis, and the persons addicted to the vice of drinking are the chief sources of this Government's revenue This Government does not care how it gets money so long as it does get the money Then the people have to pay import and export duties as the farmers are the consumers of most of the articles imported from abroad Whatever is still left is taken in the shape of salt tax, Sir, have you ever seen any king charging a fee for doing justice? But here in this country no claim can be entertained unless a requisite court fee is paid If the full court fee is not paid, the plaint will at once be rejected and returned, and unless the deficiency in court fees is made good, it will not be taken into consideration at all In addition to this, the plaintiff will have to pay the process fee in order to issue summons to the defendant. If the parties have to engage a counsel to prosecute or defend their case, the courts will not recognise him unless the vakalatnama bears a court fee of one rupee If any suit for the recovery of a debt goes up to the High Court, at least 50 per cent of the claim is swallowed up in the court fees. Then there are stamp laws Nobody can enter into any transaction unless he were to pay a fixed share to the State in the shape of stamp duties If you have to borrow money from some one you will have to write the bond on a stamped paper The burden of this duty again falls on the poor borrower Hundis, promissory notes, bills of exchange must all bear requisite stamp, otherwise they will not be recognised If any one wants to sell or mortgage his land or his house, he must pay to the State a duty in the shape of stamp duty and registration fee In urban areas the registration fee is 3 per cent of the sale price and if the same house changes hands 33 times the whole price goes to the State In addition to all this, we have to pay death duties in the shape of mutation fees and succession certificates The burden of taxation is already very heavy We were expecting to get some relief and we are shocked to hear the proposal of further taxation to the extent of 6 crores of rupees

[Sardar Kartar Singh]

Sir, the nation as a whole has become poorer The average income of an Indian is less than two annas a day, and is going down every day They cannot have two meals a day The majority of them have to content themselves with one meal a day The impoverished millions of India are crying for bread, but the Government give them a stone instead Instead of bettering their condition and making them happy, the Government have come forward with a demand for further taxation Now, Sir, would this taxation improve their lot in any way or would it impoverish them still more? Would it not deprive them of the scanty food? Would they have not to cut down their meals to pay this enhanced taxation? Sir, every one is suffering from general depression The sugar industry has practically died out The Government did nothing to develop this industry nor did they give it any timely help The cotton and wheat growing industries are in constant danger of being wiped out of existence The Punjab, United Provinces and Bombay Governments have now begun to realise that their canals will not pay until the sugar industry is revived and wheat and cotton growing industries are helped The prices of wheat and cotton having gone down, the Government cannot find a purchaser to dispose of the crown waste lands Illiteracy and ignorance are prevailing among the people In spite of successive failures of harvests, coupled with a considerable fall in the prices, the poor peasants have not been granted any relief, no remission in land revenue has taken place, no other taxes have been remitted On the other hand, they are being taxed heavily There is no tax which does not ultimately fall upon the poor peasant Go to the villages and find out for yourself what their condition is You will find them living in miserable huts and suffering from chronic poverty Sir, the constant drain of money from this country is telling upon the people Every year, about 300 crores of rupees are drained away from India Who can bear this drain? Exploitation has been so successfully carried out that the poor peasant is bled white This Government who have always been eulogising the peasantry class have not moved their little finger to improve his lot

12 Noon

Sir, we are talking of industrial development of India Are we going to build our industries at the expense of the impoverished millions of India? Have you developed the agricultural industry? Unless you develop that, unless you better the condition of the poor classes, unless you improve their income and unless you raise their purchasing power, you cannot develop any other kind of industry Who would purchase your goods or the cotton piece-goods of Bombay mills, unless the people have money to do so?

Instead of exporting sugar, we are now importing sugar, and instead of exporting wheat, which we always used to do, we are importing wheat Now, what have the Government of India been doing all this time? They have been sleeping, unmindful of their duty to keep a vigilant eye Sir, we are not organised and so we have not been able to rouse them from slumber Unless the condition of the tax-payers is bettered, they will not be able to bear the burden of further taxation and it will be the last straw that breaks the camel's back They would refuse to pay the taxes, because they would have no means to pay The civil disobedience campaign will receive greater strength on account of this short-sighted policy of the Government

In the end, I would like to submit that the Government should cease to exploit India any further They should reduce expenditure and thus give the tax-payer a little relief from his burden This policy of increased expenditure and increased taxation is leading them as well as India to ruin But intoxicated with power, they do not open their eyes and see Nor do they realise the consequences Why is Mahatma Gandhi's no-tax campaign gaining strength every day? The Government's policy of taxation and exploitation is chiefly responsible for this Even if the Government wanted to raise any further tax, they could have chosen a less objectionable subject. Why do you not put a heavy import duty on artificial ghee and realise more revenue and at the same time save the public from the injurious effects of this bleached oil? Sir, the Government do not take action in time They only take action when they require money A Resolution was passed in the Council of State that the import of this artificial ghee should be stopped Speeches are made in this House that this ghee is competing with our indigenous ghee and that this artificial ghee is no ghee at all We asked that this import should be stopped and if Government does not want to stop that, at least let it put a duty of Rs 40 a maund By this way they can make 4 crores of rupees, and they need not tax piece-goods, they need not tax sugar and other things which are required by all poor people If further taxation is to be resorted to and if more money is required, let the Government select some other subject which would be less objectionable Let the Government consult some of the Honourable Members of this House, and they will be able to tell the Government which commodities ought to be taxed I submit, Sir, that they have selected cotton piece-goods, because they wanted to win over the millowners They know that the millowners are a great power in this country They know that they are organised and they have succeeded in winning them over They thought that they would be able to carry this Bill in this House and succeed in taxing the people to the extent of 6 crores of rupees I submit that this policy of theirs is quite short-sighted Neither the millowners nor the Government will succeed in exploiting the people unless the condition of the masses is improved, and no protection of mill industry can ever succeed Government never wanted to protect the mill industry, but they simply wanted to raise their revenue and they have played this trick in order to win over these millowners Therefore, I would submit that we are already overtaxed and we will never agree to pay this further taxation We know that the Government can retrench if they want But the will is not there They do not want to retrench, and they have to carry out the demands of their superior masters, the British people, who would not like the Government to retrench They would not like them to curtail the Army expenditure They would not like them to disband the British officers and they would not like them to Indianise

Sir, only today the question of my friend, Mr Mukhtar Singh, has been answered and what we find is that, upto this time, only 78 Indian cadets have been given the King's commission Is this the rate at which you are going to Indianise? Is this the way in which you take away the money of this country and don't leave anything here? You don't take into consideration the fact that the people have become poorer and poorer; you don't take the hint from the speeches of Honourable Members. Why don't you try to better the lot of the poor? Why don't you try to increase their purchasing power so that they may be able to encourage the mill industry? With these remarks, Sir, I would strongly oppose the passing of this Bill because it is highly detrimental to the best interests of India.

Mr. K. C. Roy (Bengal Nominated Non-Official) Sir, I cannot but view with very great regret the impatience exhibited on all sides of the House to rush the Finance Bill through Sir, you from your experience know that the Finance Bill is the biggest supply Bill of the Government of India In all countries where parliamentary institutions have been allowed to grow, a good deal of time is given to its discussion, in fact, in the British House of Commons, not only days, but weeks and even months are given to discuss the Bills of supply I see no cause for impatience on the part of Honourable Members, and if they are impatient, it shows they are not prepared to enjoy what is their privilege If any Honourable Members have any grievance, they must put it before this House My Honourable friend, Mr Acharya, has undoubtedly a great grievance, *i e*, the Sarda Bill, and if he wishes to bring it forward today, I think we ought to offer him a chance. There should be no impatience on the part of the Treasury Benches or on the part of those Bombay mill magnates who are anxious to get their Tariff Bill and run away with their bag of money I think this is unfortunate, and contrary to what we had seen in past years But, Sir, I shall discharge my duty and I will confine myself to a few items which have cropped up during the second reading of the Bill The second reading of the Bill was also closured, and the Honourable the Finance Member was not in a fortunate position to give his reply He made three announcements in asking this House to consider the second reading of the Bill The first and foremost was that he was going to place a countervailing excise duty on silver, he was going to increase the import duty on silver wire and silver thread We do not know, even now, the implications of these changes, or how they will affect his Budget Will they give him more money or will it result in a deficit?

Another announcement he made was that the Governor General in Council was prepared to accept the cut of Rs 100 proposed by Sir Hugh Cocke in connection with retrenchment We do not know the Government's view on that point Is he going to associate two non-official business men with the retrenchment inquiry? The Honourable the Finance Member may kindly consider and give us a reply Speaking for the House, I think it will be a welcome change, but speaking as an individual Member of this House, I do not believe it will achieve much What has a business man got to do with the internal machinery of Government? Business men do not know what is required, they have no knowledge of Government Departments If you like to appoint an *ad hoc* Committee of the House, with the Finance Member as Chairman, that will really assist the Government; but the inclusion of two business men to assist Mr Jukes who is a very able man and who has served in the Government of India as well as in the Provincial Governments for many years will be of very little use Sir, as I have already stated before, there is very little room for economy in the civil expenditure of the Government On the contrary, if we can stabilise the civil expenditure at the present figure, we shall be very lucky indeed, and that should be our major and primary effort How can we do it? That is the question There are many checks on the Government of India at the present moment There is the statutory check by the Secretary of State in Council, there is the check of the Governor General in Council, there is the check by the Standing Finance Committee, and then there is the post-mortem examination by the Public Accounts Committee, I think, Sir, they do their work very well, although I cannot help complaining that there has been some degree of laxity on the part of the Standing Finance Committee in approving grants, many of which some of us had

not contemplated I hope that future Committees will be careful in the discharge of their duties

Then, Sir, I come to another announcement which the Honourable the Finance Member made, and that is that His Excellency the Viceroy had restored the big cut in the Demand for the Army Department This is what we expected We are within our rights in retrenching in the way we think best, the Governor General is within his rights in restoring what he thinks is necessary for the good government of India I think, Sir, the Governor General is perfectly right How is the Army Department to function without clerks, without duftaries, without chaprasis? If it was a mere demonstration cut, it failed to achieve its political object What is the political object of the cut? The political object of the cut was to impress upon the Government of India the great need of retrenchment in Army expenditure, for which there is ample room The Honourable the Finance Member has given no indication as to what he is going to do about Army expenditure Sir Hugh Cocke, in his speech, advocated an *ad hoc* committee We had a Committee presided over by Sir Charles Innes What did it achieve? It achieved next to nothing Sir, frequent references have been made about the Inchcape Committee's recommendations The Inchcape Committee's Report is as dead as a door nail, it was appointed to tide over the post-war conditions which do not exist today If there is to be a reduction in the Army expenditure of the Government of India, the question will have to be viewed from the wider standpoint of policy, not only with reference to the obligations in India, but also with reference to the international obligations which we have undertaken The House ought to know what is our international obligation Our international obligation is that we are a signatory to the Covenant of the League of Nations, and in that Covenant, Sir, this clause appears "The members of the League recognise that the maintenance of peace"—I want the House to mark the words "maintenance of peace"—"requires the reduction of national armaments to the lowest possible minimum consistent with national safety, and this is to be ensured by common action" Sir, this is our international obligation It has been implemented by the Kellogg Pact What have we done since then for the last three or four years? At one time your military expenditure stood at 54 crores and some odd lakhs, but today, we find, for the last three years, it has been stationary at 55 crores and 10 lakhs

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions Non-Muhammadan Rural) Does the Honourable Member in view of his observations, want to reject the Finance Bill, lock stock and barrel?

Mr. K. C. Roy: If the Honourable Member is patient, he will hear me on the subject As I have said, Sir, what have we done to discharge our moral obligation to the League of Nations? Have we done anything? We have done nothing On the contrary, Sir,—I shall not be so bold as to charge our representative at the League of Nations for making mis-statements—I shall not do that, but I should like to tell the House what Sir Muhammad Habibullah, speaking on military expenditure, said at the League of Nations This is to my mind a most amazing proposition, but I shall read it for the benefit of the House from the despatch

"India had experience enough of the effects of the Great War to be able to visualise what those of a new war would be, and she was as anxious as any other country to see peace perpetuated on the basis of disarmament"

[Mr K C Roy]

Have we had any disarmament? Sir Muhammad Habibullah then goes on to say

"A glance at the map of India and the frontiers of India would show what the difficulties of India were and so long as they existed, India must be prepared to meet them, subject to this condition which was really an obligation of national safety India was always ready to play her part in the preservation of peace"

Mr. B. Das (Orissa Division Non-Muhammadan) You are only quoting from a gramophone repeating his master's voice

Mr. K. C. Roy: I have nothing to do with that, and I deprecate such an expression of opinion in respect of such a distinguished man as Sir Muhammad Habibullah We may have differences of opinion, but we could not have a better representative than Sir Muhammad Habibullah (Cheers)

Mr. B. Das: You have no recognised rights at the League of Nations You have only to carry out the orders of the British Government

Mr. K. C. Roy: You can raise that point yourself I am not so bold as to say all that Sir, here is an expression of opinion given on behalf of the Government of India, which I claim is in complete variance with the opinions expressed by the Leaders of the House, it may be my friend Mr Jinnah, it may be my friend Pandit Madan Mohan Malaviya, and even today Sardar Kartar Singh has spoken in terms that showed he was bitterly opposed to the present scale of military expenditure The whole thing does not end here

I shall now turn to the Committee's Report on the reduction of armament When the question of guarantee came in and a draft convention was under consideration, Sir Muhammad Habibullah's despatch contained the following observations

"Acting in accordance with the instructions which we had received, Sir Muhammad Habibullah explained that from her geographical position India had much less interest in the scheme than other countries "

Dr. Ziauddin Ahmad (United Provinces Southern Divisions Muhammadan Rural) Who has written it? Are you quoting from Mr Bajpai's Report?

Mr. K. C. Roy: I am quoting from a despatch submitted to the Secretary of State for India I am sorry for the interruptions, Sir

"Acting in accordance with the instructions which we had received "

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions· Muhammadan Rural). You ought not to be sorry if you quote Sir Muhammad Habibullah in this House and if you are questioned

Mr. K. C. Roy: The Honourable gentleman never listens That is not his virtue I am quoting actually from the text If he cannot follow, and if he has no intelligence to follow what I say, it is not my fault

Maulvi Muhammad Yakub: No intelligent man would ever care to quote from his speech

Mr. K. C. Roy: I am quoting textually from the despatch

"Acting in accordance with the instructions which we had received, Sir Muhammad Habibullah explained that from her geographical position, India had much less interest in the scheme than other countries, but that, being a civilized country, she felt it her duty to accept any general scheme which tended towards the peace of the world"

This is to make clear the first point Considering India's obligations on the frontier and elsewhere, the Government of India were unable to see eye to eye on the question of disarmament with the other powers This is how I read the position Then the despatch proceeds to say that the delegation are prepared to consider the question of accepting the draft convention Now, let us at this stage find out what is India's position today so far as her neighbours are concerned What is Afghanistan? Afghanistan is already broken to pieces Then there is the impotent Persia and there is also the curse of Soviet Russia If we look for our enemies, Sir, in the Pacific, there may be one or two who might try to disturb the peace of India, but at present I see nothing but peace all round India

Maulvi Muhammad Yakub: There can be no peace as long as the Associated Press is in this country (Laughter)

Mr. K. C. Roy: Sir, the position is this as explained in the despatch "The Government of India would have to justify to the Legislature any proposal to give assent to the Convention, and for this purpose it would be necessary to know what other countries had accepted it Unless and until the Indian Legislature and the Government of India felt convinced that the Convention had been accepted, not merely by a handful of countries or even by the great powers, but by countries representative of the world as a whole, whose participation would be a guarantee of its effective use, India would see no object in signing the Convention or in incurring financial liability in connection with it" Now, this will require some explanation When the Committee met to discuss Article 6 of the draft Convention which provides for the manner in which the guarantees are to be distributed among the signatories, it was explained to the Committee that India would not be prepared to accept liability, because the guarantee implied financial obligations, and that would require the approval of this House So much for our military position before the League of Nations

Now, Sir, if you will permit me, I will turn for a moment to one or two topics which are now before the country First and foremost, there is the immediate prospect of the Imperial Conference We must raise this question of military expenditure at the Imperial Conference before we go to any other court Now it is clear that we can go to the League of Nations with our military burdens, and we shall be able to establish our right that our military burdens should be reduced I recognise that it is not a problem so much for the Government of India as it is a problem from His Majesty's Government and for the Committee of the Imperial Defence I am not one of those who, like my friend Sardar Kartar Singh, would say that we should put all the white troops in the ship and send them away to England They are necessary, and they will be necessary for a good many years to come, but even with them here, there is ample room for reduction of the military expenditure.

Then there is the Economic Conference We ought to be properly represented there I should have liked that the Bill granting preference to

[Mr K C Roy]

British Industries should be tested there But that has not been done. Of course, I recognise that the Bill is urgently needed in the interests of Bombay, (*Some Honourable Members* "Question"), and we should do our best to help Bombay in her crisis At the same time, Sir, I feel that these matters affecting our fiscal system and taxation problems should form the subject of a careful inquiry by a Committee of the Imperial Economic Conference, either here in India or in London before Legislation is undertaken.

Then, Sir, you will forgive me if I turn now for a moment to the Round Table Conference, of which we have heard so much recently Of that Round Table Conference we have no news at all as to when it is going to be held Only the other day, when the question was discussed in the other place, a hint was thrown out that it would be summoned at as early a date as possible What is the early date going to be? This House is going to be dissolved in July There are going to be elections in October So how can you, with elections in the Autumn, hold a Conference at that time? And who will go to the Conference? Not the handful of Moderates They will never be able to deliver the goods The Government of India will have to wait and see how many Congressmen they can get to go to the Round Table Conference before they can fix a date If they summon a Round Table Conference without the Congressmen, it will be a repetition of the Irish history, without the Congressmen, it will be a repetition of the Egyptian story What is the good of calling a Conference without the Congressmen in it? The Government of India might fix a date some time in April next year By that time many things might happen What is the good of holding a Conference this year? And so far as I can see no opportunity has been given to this House to discuss this important problem

Then, Sir, along with this question comes the question of civil disobedience We have been hearing a lot on this subject, and perhaps speakers who follow me will have something to say about it Sir, all I feel is that, as one who has studied the Indian position for many years, I ought to counsel patience to Government A civil disobedience movement can never grow in India, and if ever it grows, it can never achieve results it claims to achieve What we want is Dominion Status, and the only way to secure it is by our own methods of constitutional agitation in co-operation with our friends sitting on the Treasury Benches Sir, I support the Bill, because there can be no justification in opposing it both on economic, political and financial grounds

Mr. C. S. Ranga Iyer: Sir, I propose to begin my speech where the Honourable the Nominated Member ended

Mr. R. S. Sarma (Bengal Nominated Non-Official) On a point of order, Sir I may point out that all Members of this House owe their seats here to the pleasure of His Excellency the Viceroy after the 31st of December last, when the Viceroy extended the life-time of the Assembly

(*Several Honourable Members* "No, no.")

Mr. C. S. Ranga Iyer: Sir, another gentleman who just offered a gratuitous explanation has a constituency which he claims is the Viceregal Lodge (Laughter)

Mr. R. S. Sarma: Better than Moradabad

Mr. C. S. Ranga Iyer: Did the Honourable gentleman say that the Viceregal Lodge was better than Moradabad from where the Deputy President hails?

Maulvi Muhammad Yakub: It is quite clear that those who are nominated have not the confidence of the people of the country and therefore they cannot come in here as elected Members

Mr. C. S. Ranga Iyer: I can quite sympathise with my friend the Nominated Member whose constituency he boasts is the Viceregal Lodge

Maulvi Muhammad Yakub: No respectable persons from Moradabad are nominated in this House

Mr. R. S. Sarma: He would never have withdrawn his candidature from the Haj Committee if he really enjoyed the confidence of at least this House

Mr. C. S. Ranga Iyer: I am surprised at the absurdities in which the Honourable gentleman who comes from Bengal has been indulging because he feels rather upset that I referred to the Honourable gentleman who preceded me as the Honourable the nominated Member, a description to which at any rate my distinguished friend, Mr K C Roy, did not take any objection, for the simple reason that he knows that he is a nominated Member He aspires to be an elected Member, an aspiration which may be fulfilled at a future date I hope a similar aspiration will animate the younger gentleman who felt rather annoyed It would be sufficient justification if we endeavoured to reject this Finance Bill on the question of the existence in this House of nominated Members

The first problem before us is, are we a self-governing people with a Parliament which is like the Parliament in Great Britain, or are we a people to be governed through an advisory council consisting of the pet boys and the prize boys of a foreign bureaucracy, called the nominated Members? Sir, this House is described in official publications as "India's Parliament" and we are also supposed to be members of the Empire Parliamentary Association, but, Sir, it is a wrong description altogether This is no Parliament at all This is a Parliament which has got nominated Members in it and no Parliament in the world, which can be described as a modern or a democratic Parliament, can have the luxury of nominated Members

Mr. K. C. Roy: What about the Canadian Senate?

Mr. C. S. Ranga Iyer: The Canadian Senate is not the governing body, and I would ask the Honourable gentleman to go to the Library and refresh his ideas about the Canadian constitution You might as well refer to the Senate of the Allahabad University, or the governing bodies in Timbuctoo (Laughter) The Canadian Senate is not the principal part of the Canadian Parliament, and I am afraid the Honourable gentleman does not know the A B C of the Canadian constitution

Now, Sir, I am now directly concerned with the political and the constitutional issue I regret the absence in this House of my old comrades of the Swaraj Party which had adopted the principle of the rejection of

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the Finance Bill on the question of grievances before supplies I also regret, owing to his ill-health, the absence of my distinguished leader, Pandit Madan Mohan Malaviya, who was responsible for introducing the principle of rejecting the Finance Bill on the question of grievances before supplies Sir, today our grievances have been accumulating They have never been so great in any previous year as they are today and it is the accumulation of these grievances that has made our great and distinguished countryman, in my opinion the greatest living man in the world, Mahatma Gandhi, declare war on the British Government (Nationalist Cheers) Every Indian who holds the freedom of his country dear, sympathises with Gandhi's declaration of war on the British Government It is at the same time a declaration for peace if the British Government are willing to grant peace (Hear, hear) If they are not willing to grant peace, they must be prepared for war A war has been started by Mahatma Gandhi in his opinion not prematurely at all though I wish he had waited for the disillusionment of gentlemen who are looking eagerly to the Round Table Conference in the neighbourhood of Whitehall I do not know why Mahatma Gandhi should not have been given adequate inducement to go to the Round Table Conference I do not know why high authorities either here or in England should not have agreed to the demands of Mahatma Gandhi What did he demand? He demanded that the Round Table Conference should draft a constitution of "Dominion Status" If the Viceregal Proclamation means to prepare the country for Dominion Status, as I have no doubt whatever it means, because it is a sincere declaration, then India should henceforward be treated differently What did Gandhi want? He wanted that we should go to the Round Table Conference and draft a constitution for Dominion Status That constitution does not mean that you must have Dominion Status within six months or even six years It means that it should be drafted with provision in it for the full attainment of Dominion Status stage by stage He himself wrote that in *Young India* before the Lahore Congress declared for Independence However that may be Independence is Dominion Status as Lord Russell and Lord Birkenhead have told us, and as some Members of the Treasury Bench may, I believe, be feeling Dominion Status is Independence and Independence is Dominion Status to a country which is not a daughter country of Great Britain, which is entirely different in race and outlook, in colour and aspiration and ideals An independent India aspires to teach mankind some of the ancient Hindu principles, or rather vedic principles

Mr. R. S. Sarma: If the Honourable Member really believes in the war that Mr Gandhi is waging, he should be making salt and not speeches

Mr. C. S. Ranga Iyer: I may tell the Honourable gentleman, who seems to have had some salt put on his tail before he came to the House, that I was fighting by the side of Mahatma Gandhi during the non-co-operation movement I have just come back to this country after nine months' absence I am carefully studying Gandhi's moves Gandhi is not aspiring to be a manufacturer of salt He is manufacturing freedom for this country (Hear, hear) Do not unworthily ridicule Gandhi

Mr. R. S. Sarma: I am ridiculing the Honourable Member more than Gandhi

Mr. C. S. Ranga Iyer: If salt manufacture in defiance of law is a method of preparing the country's freedom, and if I am convinced by my

study of the method, that it will prove efficacious, I will not be seeking admission to this House as a nominated Member I would ask the Honourable Member not to utter blasphemy in this House against Gandhiji, who is a thousand times better than he, though even that comparison is odious I was saying, Sir, that Gandhi is not manufacturing salt. He is deliberately disobeying the bureaucratic regulations or laws, and he is disobeying them not for the purpose of supplying salt to the gentleman from Bengal, who gets plenty of salt from Great Britain (*An Honourable Member* "Does he not come from your province?") I am afraid even Bengal is ashamed of him (Laugher) Gandhiji is therefore not manufacturing salt in order to compete with the British supplhers of salt to Bengal Gandhiji is deliberately disobeying the salt laws in order to call the attention of this country, of Great Britain and of the whole civilised world to the manner in which India is being treated and the method of administration under which India has been groaning and the way in which India's aspirations are thwarted That is, Sir, what I understand, and what I believe this House understands, and what I believe Honourable Members seated on the official Benches understand to be the purpose of Mr Gandhi's mission They understand that his mission is not to supply salt or to compete with the salt that is imported into this country He has taken one of the rules or one of the laws of the Government to break with a view to call the attention of the Government to the existing state of things

Now, Sir, coming again to the question of Dominion Status, I would say that the present campaign of what I may call repression must be withdrawn, and the Government should adhere to the Resolution which was adopted in the House of Commons, according to which the Government of India are not to prosecute people for the expression of opinion, much less suppress the expression of opinion as they had done in one important case in Gujrat, to which I have already referred in this House, and the arguments in regard to which I do not propose to repeat Now, Sir, I find in another case in Bengal in regard to Mr Sen Gupta, an old friend of mine, a co-worker, I find that they had launched a prosecution against him for expression of opinion

An Honourable Member: He has already been sentenced

Mr. C. S Ranga Iyer: He has already been found guilty I think the Government who launched this prosecution against him, the party which was responsible for the launching of that prosecution must be realizing by now that they were blundering into displaying what a Governor of a neighbouring province described as the demoniacal spirit, which lies dormant in the Government I do not think that they should have made an exhibition of this against one of the most level headed leaders of the Congress movement in Bengal If they think that by displaying such methods they can destroy the little spirit of independence that is left in us, if they think that, by taking up that attitude they can kill the freedom-for-India movement, I may tell them with all the responsibility attaching to my position, that we will defy the Government's defiance, and we will take the consequences If, on the other hand they propose to prepare the atmosphere for the Round Table Conference in the manner in which they have been asked to prepare it judging from the speeches delivered in the House of Commons judging from the speeches delivered both on the issue of the Round Table Conference and also on a subsequent Resolution

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advising the Government of India not to disturb the atmosphere of peace and goodwill, if they are willing to prepare the atmosphere in that manner, I should say very gladly that we would come forward to co-operate with the Government But, I say, Sir, that the Government, day after day, owing to a conspiracy, I should think of a few die-hard officials, are defeating the purpose of the Mother of Parliaments, they are day to day creating an atmosphere of repression, in which it would be utterly impossible for any self-respecting man to think of assisting the powers-that-be who want the Round Table Conference to be a success I would even now say that they should withdraw all the measures of repression and try to meet Mahatma Gandhi half-way

Let it be understood clearly that Mr Gandhi alone can deliver the goods, not Mr Muhammad Ali Jinnah, nor Dr Sapru, but Mr Gandhi alone can deliver the goods, not even, if I may say so with great respect, Pandit Madan Mohan Malaviya or Pandit Motilal Nehru, but Mr Gandhi alone can deliver the goods I made this observation in the Empire Parliamentary Association rooms addressing a meeting when the Right Honourable George Lansbury, a member of the British Cabinet, was presiding I said that Mr Gandhi alone could deliver the goods The Government realise that, but they want that the goods should not be delivered At any rate not the whole Government but perhaps some Members of the Government, some die-hard officials wanted the goods should not be delivered at all, and that is they have launched this campaign of what I may call suppression of the expression of opinion and prosecution for expression of opinion Mr Gandhi, I admit, is courting imprisonment and he is courting imprisonment because he thinks that there is more freedom within the prison walls than there is at present outside He thinks by so doing he can draw the attention of the world to the manner in which this country is administered. Sir, the time has come when we should say frankly to the Government, even if we are not in a majority, we should tell them most frankly, with all the sincerity at our disposal, with all the frankness at our command, for it is the best symbol of true loyalty to all that we hold dear in our country and of all that is fragrant in the philosophy of the Indo British connection we must tell the Government that this repression should go I think with real frankness which is the true symbol of real loyalty, we must tell the Government that we are not snapping the bonds of loyalty We want to be loyal to Britain, just as we expect Britain to be loyal to us, loyal partners in the Indo-British Commonwealth of Nations, as I should like to call it It is for them not to goad us into the Independence group Day after day, week after week, Mr Gandhi explained, even after the declaration of Independence by the Congress, that Independence was Dominion Status (Hear, hear) He has very clearly stated that his object is not to break off all connection with Great Britain, if Great Britain values association with India Sir, the spirit that animates that little group in Gujrat, like a little cloud no bigger than a man's hand growing larger and larger, will spread all over the land That little group which is fighting in Gujrat and which is making every Indian worth his salt, think and ponder deeply whether he should throw his weight on the side of Government or on the side of the people, that little group is bound to conquer, it is animated by that noble spirit to which the greatest Viceroy of modern times gave expression, speaking at the Convocation of the Delhi

University on Friday the 21st March, 1930 In his magnificent speech, His Excellency the Viceroy quoted a passage from the memorable speech of Henry V before Agincourt as set in his mouth by the greatest of all English Poets

"If we are mark'd to die, we are enow
To do our country loss, and if to live,
The fewer men, the greater share of honour"

That is the spirit, Sir, in which the little band has started on a pilgrimage, the pilgrimage of freedom in Gujrat That is the spirit in which they have started that pilgrimage That is the spirit that animates them No Indian can for long support this campaign of what I may call repression, for it is nothing more and nothing less than to deny to us our right to freedom Every nation, like every man has a right to freedom I am quite willing to accept the definition of freedom by one of the great English authorities as the equality of restraint We want to practice that equality of restraint We do not want that liberty which means licence to attack any nation's throat We want to live and let live, so long as we are not given the right to live and let live, we cannot grant you a single penny for the carrying on of the administration You may do it by the power of your votes which you have got owing to the defection of the leading party in the House, owing to the blundering policy of the Congress politicians, for walk out or resignation was nothing less than a disastrous blunder and a magnificent failure of Congress leadership I wish they were here today in full force—allowing Mr Gandhi and others to carry on the fight in the country I wish they were here to unfold the banner of revolt within this House, for I believe we cannot surrender this House in the hands of those who do not believe in revolt Every seat in this House will have to be captured, every man in this House will have to be wedded to the principle of fight, fight, fight, until the fight inside and the fight outside inspire the country to continue the fight until victory crowns our efforts (Hear, hear) Therefore we will have to fight very hard, but we cannot fight on the old lines We have to endorse the fight outside It is not a selfish fight, the fight that is going on outside It may be that we may not be able even to proceed to the Round Table Conference, if Government do not act with restraint, if Government do not change their tactics, if Government do not court our goodwill, if Government do not release our political prisoners, detenus and internees, if Government do not come forward and shake hands with us, even as they shook hands with Michael Collins and Arthur Griffith We have not gone yet to the length to which they had gone, and I hope we will not be goaded to go to that length. At any rate so long as Mahatma Gandhi is the leader of this movement, there is no danger of his going to that length All the more reason why Government should not take advantage of his non-violent programme and ask him to go ahead with his policy of breaking the laws, by declining to listen to him. It is not a cheerful thing for anybody to persist in breaking the laws Does Mahatma Gandhi break the laws because he likes to break them? Nobody likes to do it He wants that you should see that the time has come when you should change your old method. He did not ask you to give us Dominion Status tomorrow, but he asked you to draw up a constitution for Dominion Status Coming to another aspect Pandit Motilal Nehru, the former Leader of the Opposition, served for a while on the Skeen Committee The Skeen Committee's Report wanted Indianisation of half the officers of the Army by 1952, and Mr Jinnah

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I suppose in about 12 or 13 years Both Pandit Motilal Nehru representing the Congress and Mr Jinnah representing the Mussalman community out in the country wanted Indianisation of the Army They wanted a definite step forward in the direction of rapid substitution of Indian in place of the European officers of the Army Why did the Government shelve the Skeen Committee's Report? How can we be responsible for giving money to a Government which shelved the Skeen Committee's Report, a very humble document, a modest document, a document which bears the signature not only of Indians, but also of Englishmen, who were members of that Committee, a document which was endorsed by Sir Andrew Skeen and signed by Mr Burdon, who was the Army Secretary, and also by the Indian leaders, who were members of that Committee? Why should they shelve it? And then why should the Finance Member come cheerfully to this House and ask us to pay for the continuance of this foreign army of occupation? For it is nothing more than a foreign army of occupation We do not want this Army, we never wanted it You want it to carry on the administration, and then you say that Indians are not fit to carry on the administration and much more unfit to work as officers in the Army It is a ridiculous excuse, ridiculous because we all know what Lord Birkenhead and others have said in writing about the competence and capacity of Indians as soldiers We all know how, when officer after officer fell in the battle-front, the Indian soldier took up the lead and carried on the fight And if Indians have become incompetent during the last 150 years, if the race of Sivajis, if the race which fought the battles against the British and fought also for the British to enable them to establish their own rule over us, if the race that produce the heroes is dead, I think that destruction and death has been brought about by these 150 years of foreign rule Therefore I say that we must immediately get an assurance from the Finance Member that this policy of shelving the Skeen Committee's Report will at once be given up This is 1930 and I believe it was about this time that an assurance was given that a military college would spring into existence in three years in Dehra Dun I want an assurance from him straight-away that a military college will be established in India I myself have never been satisfied with the Skeen Committee's Report I did not want only one military college for India Why should England have more than one military college, may I ask? England is a much smaller country, and I do not think Englishmen are the only race of soldiers I do not think that we cannot have soldiers and competent officers I do not accept their excuses, ridiculous excuses If we can produce great judges, great administrators and great sepoys, we can also produce great soldiers We produced them in the past, and if we do not produce them at the present time, it is because the administration is not our own and the country is ruled by people who are not responsible to the people of this country Therefore, Sir, I say that this military policy will have to be forthwith revised Last year I voted against Government even though I was in a minority of one, of which there is no likelihood this year I think the members of my party will not support the Finance Bill though I even personally wish they would go to the lobby with me for the absolute rejection of it, if the Finance Member does not satisfy us on the question of how they propose to give effect to the Skeen Committee's Report and what measures are going to be taken forthwith to have 50 per cent of officers of the Army Indianised within the time prescribed by the Skeen Committee That is a matter which is very important

Then there are various other reports We have got for instance the Agricultural Commission's Report reading which we ought to know what measures have to be taken to increase the agricultural prosperity of the people My friend here tells me that two volumes have been sent to every Member of this House I do not want only opportunities for Members of this House to read the Reports, which are written in bad English, if not in bad taste, but I want Government to give opportunities to the Members of this House to criticise measures of agricultural improvement, and I want the Finance Member to make provision in his Budget for bringing about an agricultural millenium in this country which was, I believe, the purpose for which the Agricultural Commission was brought into existence

Mr. K. C. Roy: The Finance Member has made ample provision in the Budget for agricultural improvements

Mr. C. S. Ranga Iyer: My friend Mr Roy had got an abundance of faith in the coming of the millenium when the appointment was made of the Agricultural Commission Does Mr Roy contend that the Finance Member prophesied the coming of the golden era of agricultural prosperity? I am afraid the Finance Member himself has made no such claim Mr K C Roy may be left alone in regard to what he thinks the Finance Member is going to do, because I do not think he is so much more in the confidence of the Finance Member than he has chosen to confide, through his Budget, to the Members of this House

However, these do not go to the root of the present discontents The Government must withdraw the measures of repression that they have put into force in this country and make a real satisfactory effort to come to terms with Mahatma Gandhi If they do not come to terms with him, it may be that we will come to this Legislature with our numbers strengthened, but not to help Government The non-co-operation movement failed on the last occasion, or rather it did not fully succeed, for various reasons, one of which was that the Councils were peopled by men who were as good as nominated Members We have to make up our minds, to carry on a raging, tearing campaign in the country and to come back to these Councils We do not want any extension of the life of this Legislature We want an opportunity to put our case before the people, the case against the continued maladministration by Government If we are not returned because we do not have the co-operation of the Congress, that may be another matter, but if we are returned, the result will be that we will put up a continued fight against the manner in which Government have been carrying on the administration of this country

Sir, I do not want to make a longer speech I would not have made even so long a speech as this, but for the fact that I want to protest strongly against the way in which things have been going on in the country. In Burma force was resorted to to harass an unarmed set of people who came out just to show their admiration of Mr Sen Gupta, who was snatched away from Bengal for a speech that he made, a most inoffensive speech, which even the presiding officer of the court thought harmless, because Mr Sen Gupta has been so lightly let off. It is not a matter of generosity There was no case against him And yet he was prosecuted He was removed from his hearth and home; and much fuss and sensation was created So I say that the Government must revise their policy of unnecessarily arresting people The best thing for them would be to send for Mahatma Gandhi just as Mr MacDonald in 1924 sent

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for Zagluul Pasha who had been interned Zagluul Pasha, the leader of the Egyptian Independence movement was sent for by Mr MacDonald, the British Prime Minister The British Government invited the leader of the Egyptian people to negotiate the question of Egyptian independence on equal terms without any reservation whatever, without any conditions explicit or implicit In these terms was Zagluul Pasha invited, the same Zagluul Pasha, be it remembered, who had rejected the British declaration of independence of Egypt Mahatma Gandhi has done nothing of the kind He accepted the Viceroy's proclamation He said it was a sincere proclamation, and then he said, now that the proclamation for Dominion Status has been made, let there be a regular preparation of the country for Dominion Status and let those who go to Whitehall draft the constitution of Dominion Status It does not mean that Great Britain should clear out of this country bag and baggage in one year, in two years in six years or even in ten years But it certainly means that a rapid preparation should be made, a steady rapid preparation should be made, for the attainment of complete Dominion Status and when he was not told that such a thing was going to take place at the Round Table Conference Mahatmaji in my opinion very hastily, in my opinion very unfortunately but with the responsibility attaching to his position, in deference to the great following that he has in the country whom he has to take with him, Mahatmaji said, I am not coming to your Conference, and I shall carry on a non-violent fight with a view to make you agree with me Under these circumstances, Sir, we must absolutely withhold our support to the Finance Bill unless we have an assurance from the Finance Member that the present policy which the Government have set in motion is going to be revised, unless, in regard to military matters we get an assurance that the recommendations of the Skeen Committee's Report will be adopted It is the least little which the moderate opinion in the country wants—the recommendations of the Skeen Committee have been endorsed even by the Central Committee Though the Members of the Central Committee have spoken with a babel of tongues on constitutional and other matters, they are united in regard to this military matter That is why I urge that we are entitled to a definite assurance from the Finance Member as to what he or his Government, what the Government of India, propose to do in regard to this military matter

1 P M

Secondly, we want a definite assurance that the present policy of repression, which has been set in motion in this country, will be without delay, reversed

Maulvi Muhammad Yakub: Sir, serious allegations have no doubt been made against the Government for the manner in which they have handled the finances of the country There might be some exaggeration in the terms of the allegations which have been made But there can be no doubt that the Government of India have failed in securing the confidence of a large section of the politicians of this country for the manner in which they are spending the money of the public and for the manner in which they have handled the finances of this country (Hear, hear) This state of affairs, to my mind, is to a very large extent due to the present constitution of the Government of India It is, Sir, really surprising that for the administration of a huge country like India for handling the huge finances of a country like India, we have got an Executive

Council of half a dozen Members, while the Cabinet in a small country like Great Britain, which is not even as big as one of the provinces of our country, consists of 26 Members

Sir Zulfiqar Ali Khan (East Central Punjab Muhammadan): What are the revenues of Great Britain?

Maulvi Muhammad Yakub: I will come to that, the defender of the Treasury Benches

Sir Zulfiqar Ali Khan: I am not a defender I want to test your knowledge

Maulvi Muhammad Yakub: I know that the Executive Council has got certain unpaid gentlemen who hold their portfolios in this House But I wish they would have some patience and listen to what I have got to say about them also (Hear hear) Well, Sir, there is no reason why the Members of the Executive Council of this country should draw fat salaries, as much as Rs 6,666 and some annas The salary which the Members of the Executive Council draw in this country is much larger than the salary of even the Prime Minister of England

Mr. M S Aney (Berar Representative): Besides a saloon

Maulvi Muhammad Yakub: Yes, besides saloons and other amenities Out of these half a dozen Members of the Executive Council, there are only three gentlemen belonging to my country, while out of the four Europeans, the Commander-in-Chief is mostly concerned with the Army affairs and has got very little to do with the general administration and affairs of the country The Finance Member is a gentleman who comes as a stranger to this country every five years, he does not know the people of the country He is unaware of the needs and requirements of the people, he is unaware of the problems of this country, and before he comes to learn anything about this country, the time of his retirement comes and he goes away Out of the three Indian Members of the Executive Council, there is generally only one gentleman who has some experience of public life While two of them usually come from the service of the Government and they are as ignorant of the conditions prevailing in the country, they are as ignorant of the real views and opinions of the people of this country, as the European gentlemen sitting on the Treasury Benches (Applause) Again, Sir, can we expect that three Indians can give sound advice to the Viceroy? Can we understand that the three Indian Members can be in a position to know the feelings, the sentiments and the administrative problems of such a huge country as India? Again, Sir, out of these three, there is only one gentleman, as the representative of my community, seven crores of Muslims of India Now, Sir it is really absurd to think that one solitary Muslim Member of the Executive Council can represent the views of the seven crores of Muslims Has he got any means of knowing the problems of the Mussalmans of India or their feelings, or can he be aware of the real state of affairs of the Mussalmans? If unfortunately that Member fails to secure the confidence of his co-religionists, or he happens to be an incapable man, or he happens to be a toy in the hands of his Secretary, then the cause of the Mussalmans of India not only remains unrepresented on the Executive Council of the Viceroy, but great harm and injustice is done to the Mussalmans. Now, Sir, if this is the constitution of the administrative machinery of this country, how can we

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expect any efficiency as regards the administration of the finances of the country? It is high time that the Executive Council should be thrown into the melting pot (Hear, hear and applause) I do not speak of the individual Members of the Executive Council but I say collectively The whole Executive Council should be thrown into the melting pot and from that melting pot should emerge a Cabinet of statesmen with breadth of vision, with a strong backbone and with fixed principles and policies (Hear hear) This is one of the great grievances which I have to lay before the Government

Now, Sir, another grievance, which is special to my community and which has been inflicted this year, is breach of faith on the part of the British Government When the British Government took over the reins of this country from the Moghul Emperors we were given an undertaking that no interference would be made in our religious laws What do we find? We find, Sir, that in the teeth of opposition from all the important sections of the Mussalmans with the exception of a few anglicised Mussalmans, whose exception only proves the rule, Government have trampled upon the religion of the Mussalmans, and by passing the Sarda Act have made a great interference, for which there is so much agitation in the country that only the other day the most important body of Mussalman theologians, namely, the Jamiat-ul-Ulema, addressed a letter to His Excellency the Viceroy, nearly in the same terms as the ultimatum which was addressed by Mahatma Gandhi Now, Sir, although personally I do not like the programme of civil disobedience whether started by Mahatma Gandhi or by Muhammadans—and I consider these movements detrimental to the best interests of the country, but at the same time the fact remains that the Mussalmans are dissatisfied, Mussalmans who never take part in such movements according to whose religion such movements are not justified, even those Mussalmans have come to this desperate position, that they have sent an ultimatum to the Viceroy It is high time, Sir, that the Government of India made a declaration on the floor of this House before the 1st of April that they will mend this mistake and that they will satisfy the Mussalmans that the British Government do not mean to interfere in their religion

Mian Mohammad Shah Nawaz (West Central Punjab Muhammadan): How are they to mend it?

Maulvi Muhammad Yakub: I have already given notice of a Bill It is very unfortunate that non-official Bills find it very difficult to find a place in the ballot and be discussed in this House I have shown the method by which the Act can be amended

Sir Hugh Cocke (Bombay: European): If the Law Member approves

Maulvi Muhammad Yakub: Another grievance of the Mussalmans against the Government is that they do not fulfil their pledge as regards representation of Mussalmans in the Government services Now, Sir, so far back as 1925 in replying to an address presented by the Mussalmans of Calcutta, Lord Reading, ex-Viceroy, made the following statement on 1st January, 1925 He said

"As regards the appointment of Mussalmans to the Services, as you are aware, my Government have accepted the principle that no class or community should predominate in the public services if qualified men were otherwise available, and my Government have been acting upon this unexceptionable proposition in the past The

recommendations of the Lee Commission as regards Indianisation and for the constitution of a Public Services Commission and other factors have made it necessary to examine this question of the representation of communities in the Services and in central posts under the Government of India more closely, and this question is now under the consideration of my Government You may be assured that I shall carefully bear in mind the representation you have made upon this subject"

Now, I ask the Government of India what consideration they have given to this question since the 1st January, 1925? How has the position improved since that year" The figures and statistics which were laid on the table of this House by the Treasury Benches themselves show what improvement they have done in the matter Is it not a serious breach of the undertaking given by the Viceroy of India? This is due to the inefficiency of the Government of India as constituted at present. Proceeding, Sir, about competitive examinations, Lord Reading said·

"For most of the higher appointments recruitment by the system of competitive examination has been introduced, but even under this system I understand that a special provision has been made to secure that the proportion of appointments to be filled by Mussalmans shall in no case be less than one third"

Mark the words, "proportion of Mussalmans will not be less than one-third' Now Sir in answer to questions in this House we find that the Government of India camouflage that statement They say, all the minority communities are included in that one-third May I know, Sir, whether the Government of India want to place seven crores of Mussalmans in the same category and on the same footing as a few thousands of other small communities living in this country? Sir, these are grave and serious charges which are burning in the minds of Mussalmans The other day when we were discussing the Railway Budget, the Honourable Mr Hayman gave a solemn undertaking that he would look into the matter of the appointment of Mussalmans in the Railway services, and what is the result of that undertaking? May I inform Honourable Members? Only on the 11th March the Divisional Superintendent of Delhi under the very nose of the Government of India, selected 75 candidates, out of which only 18 are Mussalmans This is the result of that solemn undertaking which was given by the Member of the Railway Board Then we were given undertakings and solemn pledges by other Honourable Members of the Executive Council, but what do we find? We find that when new posts are created or when a post falls vacant in a department in which no Mussalman has ever got a seat up to this time, that post is offered to and accepted by a member of another community And I assure Government that, for these posts, I am prepared to supply them with members of my community possessing as high qualifications, even higher qualifications, than the qualifications of the gentlemen to whom they want to offer those posts Now, Sir, if this is the state of affairs, how can it be expected that Mussalmans will be satisfied?

There is one more grievance of mine against the Government, and it is this, that Government, by subsidising the agencies which are creating and spreading agitation in the country, are themselves responsible for this agitation I want the Honourable the Finance Member to give me an undertaking on the floor of this House that not a single pie out of the revenues of this country will be spent upon those agencies which, in the name of news agencies, are carrying on propaganda work and creating agitation in our country (*An Honourable Member* "Who are they?") I

[Maulvi Muhammad Yakub]

need not name them They are too obvious to the Honourable Members of the House, they know them too well

Now, Sir, another point was raised as regards the holding of the Round Table Conference, and an Honourable Member has given the advice to the Government of India that they should delay the holding of the Round Table Conference I would only say to the Government of India, 'Save us from our friends' I tell the Government that it is advice of friends like these that has created this state of affairs in the country The healthy atmosphere which was created by the announcement of His Excellency the Viceroy, the hopes that were kindled in the minds of my countrymen after the announcement that the settlement of our constitution is near at hand, those hopes are even now getting dim, and people are beginning to feel hopeless as to the outcome of the Round Table Conference, and if the Government would delay the holding of the Round Table Conference, it would be better not to hold the Conference at all

Sir, these reasons would have been quite sufficient for me to reject the Finance Bill But unfortunately I am not an irresponsible Member, like the Members of the Executive Council or like the nominated Members of this House I have got my responsibility, Sir, and after having passed the Budget and after having allowed the Government to spend crores and crores of rupees, it would be simply illogical and absurd on my part to reject the Finance Bill, and therefore, reluctantly, very reluctantly, I will have to vote for the passing of this Bill

Mr. W. S. Lamb (Burma European) Sir, after the lions comes the lamb (Laughter) Sir, I rise to support the motion before the House When speaking on the general discussion of the Budget, I said that, when this time came, I would bless the Finance Member for his proposal to remit 25 per cent. of the rice export duty U Tok Kyi unfortunately is not here, and I am sure the House will regret to learn that he is still somewhat of an invalid In his absence I was very glad to hear Mr Neogy, whom I have at all times admired for his industry and advocacy of any theme in which he takes an interest Sir I do not propose to follow Mr Neogy into a demonstration of the distressed condition of the rice business in Burma Honourable Members have heard the appeals from the elected Members from Burma, and I hope they will be good enough to applaud this proposal of the Honourable the Finance Member Now, Sir, my particular desire in the first place is to thank very heartily our Honourable friend the Finance Member Thirty lakhs is not a very large sum, of which possibly 25 lakhs would go to Burma, it is not a large sum when we are dealing with crores, but it is very welcome Now this time I wish to have the assurance from the Honourable the Finance Member for which I had asked in the general discussion of the Budget, namely, that when possible during this year if he gets bumper returns accruing to the Central Government which many Members think he is going to have, he will, without any delay remit the remainder of this tax I have no hesitation in asking for that assurance for, in the Statement of Objects and Reasons to the Bill, there is much less warmth in his reference to this particular proposal than in his speech. Sir, I trust that that difference has no significance

Now, Sir, Burma is very much in need of a certain sum for meeting the cost of research in rice, and I believe it is possible that, at no distant date, a proposal will come from the Burma Government that they be allowed to put on a rice cess I trust that, if such a proposal comes to the Government of India, they will give it their approval and sanction without delay As I mentioned a year or two ago, when I was speaking on the same subject, I understand that the Secretary of State gave his full approval to a tax of this nature, and therefore there should be no delay in sanctioning it

Now, Sir, I desire to make a few remarks about the oil business Except his reference, in a small paragraph in his speech, we have heard nothing from the Honourable the Finance Member, and I should like, if possible, to draw from him today a clear statement of sympathy with the small oil companies In supporting amendments I have made appeals to the Government, and I have pointed out what a heavy burden this additional taxation is I said further, that we had every reason to expect that, very shortly, they may suffer very heavy losses owing to a war in the selling rates of kerosene, and in making this further appeal to the Honourable the Finance Member and to the House, I would draw their attention to the fact that, in the Government of India Resolution to the Tariff Board's Report, there is this

"If, however, the price war had not come to an end it would have been necessary to examine the question whether any steps should be taken on national grounds to safeguarding the two companies which were not within the pool, that is, the Indo Burma Petroleum Company and the Attock Oil Company"

Sir, I trust the Honourable the Commerce Member will keep a close eye on the kerosene market, and that he will bear in mind that it was the Tariff Board, not merely the Oil Companies, who inspired the statement which I have just read

I come now, Sir, before I sit down, to a duty which I have to perform to myself, to the European Group and to the House In the debate last week on clause 7, my Honourable friend Sir Purshotamdas Thakurdas accused me of some foul deed, and having done so he proceeded to castigate Members of the European Group in language which, I think, the House will agree, was insulting and entirely unworthy of this Honourable House I put it no more strongly than that Sir, I have here the official Report of my speech untouched, and I propose to read my remarks to the House

Mr. President: Order, order, I am afraid the Honourable Member is not in order.

Mr. W. S. Lamb: Sir, I think I should have an opportunity of explaining matters

Mr. President: The Honourable Member should have taken the opportunity at the proper time

Mr. W. S. Lamb: I had already taken

Mr. President: The Honourable Member might get up next year and would want to reply to some of the speeches made today

Mr. W. S. Lamb: Sir, I had already spoken, and I could not get another opportunity

Mr. President: The Honourable Member could have risen to make a personal explanation

Mr. W. S. Lamb: Surely, Sir, considering what was said by the Honourable Member, I am entitled to reply to him He accused me of—I have forgotten his exact words—but he could not possibly have used stronger language than that regarding myself and the Group I have had no opportunity of meeting his charges

Mr. President: The Honourable Member had ample opportunity. The Honourable Member is always entitled to rise in his seat to make a personal explanation The Honourable Member did not do so, and he cannot, after five or six days, come to this House and say that he wants to meet a certain charge made against him

Mr. W. S. Lamb: Sir, I must bow to your ruling But I would like to say this I refrained from attempting to make any statement until I secured the real official copy of my speech I had certainly no knowledge that I would not be allowed to put before the House what I have to say exactly

The Assembly adjourned for Lunch till Twenty Minutes to Three of the Clock

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The Assembly re assembled after Lunch at Twenty Minutes to Three of the Clock, Mr President in the Chair

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Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran Non-Muhammadan) Sir, while speaking on the Finance Bill last year, I ventured to point out to Government certain existing anomalies and defects in the Indian income-tax law which operate as hardships upon the assessees, and my present speech is in connection with the same subject, and as the Finance Bill asks this House to grant supplies, I think this is a proper opportunity for me to put my views on record This subject, Sir, may not be as exciting as the Salt Demand, for instance, which some of us were anxious to reach the other day, as giving an opportunity for strong speeches, but I venture to point out that the grievances of a large class of persons who have to pay income tax need occasional ventilation in this House, especially now when we are called upon to sanction money to Government under the Finance Bill Sir, you will recognise that, under the constitution of this House and the Rules of Procedure, it is not easy for private Members successfully to carry through private Bills, especially at the fag end of the life of this Assembly We have therefore to do our best under the limitations imposed upon us I shall now proceed to indicate, as briefly as I can, some of my suggestions in this connection At the outset I must say that I do not approve of piece-meal interference with the Indian income-tax law, as seems to be the practice My Honourable friend, the Finance Member, while introducing an Income-tax Bill on the 18th February last, thought it proper to offer an apology to this House "for the almost weekly introduction of a new Income-tax amendment Bill" I think it would be more appropriate to bring forward a somewhat comprehensive amendment of the law, a consolidating Bill, and to remedy those defects and ambiguities that may be found to exist, and to remove the genuine grievances of the assessees I shall now proceed to deal with some of the matters that in my opinion call for revision

While costs incurred for earning an income are allowed by law to be deducted under sections 10 11 and 12 of the Income-tax Act, it is anomalous to find that section 8 does not provide for allowing any cost

for collecting interests on securities or on debentures from Treasuries and Banks In the case of Forbes v the Commissioner of Income-tax, Bihar and Orissa, which was decided by the Patna High Court on the 6th May, 1929 (10 *Patna Law Times* page 124) the question raised was as to whether the assessee, who had paid to his bankers certain commission for the realisation of interest on the Government securities held by him, is or is not entitled to claim that the amount paid to the bankers by way of commission should be deducted from the interest receivable on those securities,and that the income-tax should be charged only on the sum actually received by him The view taken by the Income-tax Department was that, under section 8, the tax is payable not on the amount actually received by the assessee but on the interest receivable by him on the securities held by him While holding against the assessee on a strict interpretation of the existing law on the point, the High Court Judge was constrained to make the following observation in this judgment which is significant He said

"It may however be observed that if the case was to be decided on equitable considerations alone, the petitioner had no doubt a good case, but the case has to be decided with reference to the law in force and all I can say is that this case brings into prominence one of the obvious deficiencies in the present law"

This is the observation of a High Court Judge, and it ought to carry weight with the Government

Sir I come to section 23 of the Income-tax Act, and here I may say that the assessees living mostly in the country side and ignorant of the technicalities of the law are not being properly helped in the matter of filling in their returns The income-tax officer very often takes advantage of some technical defects and rejects the return and proceeds to make a summary assessment, which cannot be called into question In my opinion an assessment should be made summarily under section 23 (4) only when the assessee does not file a return at all, or fails to produce accounts and books, or other evidence in support of his return, and not for filing a merely technically invalid return which can easily be remedied in the course of assessment proceedings, such as under section 22 (3) of the Act, and an amendment of the section on these lines appears to be desirable I need hardly remind Honourable Members that, if under section 23 (4) the income-tax officer makes the assessment "to the best of his judgment" the assessee is deprived of his right of appeal, and this I would submit is unjust The assessee should not be put in a worse position than one against whom an *ex parte* decree has been passed in a civil court He should be allowed to challenge the order as bad and erroneous

I now pass on to section 30 of the Income-tax Act In my opinion this section presents an anomaly in the case where an assessee denies his liability to be assessed under the Act, such as where an assessee lives outside British India, but the income-tax officer insists on his view that he is a resident in British India In such a case, I think it is only just and equitable that an appeal should be allowed But the High Court of Lahore in the case Dunichand v Commissioner of Income-tax reported in Indian Law Reports, 1929, Lahore, vol 10, page 596, remarked that it is for the Legislature to provide a remedy for the cure of this hardship. It is obviously desirable that the remedy should be provided in the Act itself instead of driving him to the expensive and protracted proceedings of a regular suit

Section 32 (1) provides that in certain cases mentioned in it an assessee

[Mr Gaya Prasad Singh]

"may appeal to the Commissioner within 30 days of the making of such order" by the Assistant Commissioner But in many cases the dates of the order are not given and very often orders are passed considerably after the arguments are heard and behind the back of the assessee, and also there is no provision in law for communicating the order to the assessee The result is that by the time he comes to know of the order, the period of 30 days passes away and he is left without a remedy I would accordingly suggest that, in section 32 (1), it may be provided that the assessee may appeal to the Commissioner "within 30 days of the date on which he is served with the notice of such order" The suggested change will bring the provision of section 32 (1) in line with section 66 (2) in connection with which I had the honour of moving a similar amendment on the 20th February last, which was accepted by my Honourable friend the Finance Member on behalf of the Government The acceptance of that amendment has removed a genuine grievance of the assessees for which they are no doubt thankful

Section 33 (1) provides that the Commissioner may of his own motion call for the record of any proceeding under this Act and so on I should like to suggest the addition that the Commissioner may, of his own motion, or on being moved by the assessee, call for the record When an assessee sends an application by post to the Commissioner whose office is far away, it is a real hardship that such application is summarily rejected, without the assessee being heard The assessee does not expect that the record should be called for in every case, but he should certainly be heard before his application is thrown out It should accordingly be provided that the Commissioner shall not pass any order prejudicial to an assessee or reject his application without hearing him or giving him a reasonable opportunity of being heard

I shall now make one observation on section 45 Assessees often experience great hardship in having to deposit the full amount of tax when their appeals are pending The appellate authority is reluctant to grant stay of realisation of tax on the plea that no such power is given under the law I would therefore suggest an amendment in section 45 which would empower the appellate authority or the Commissioner, as the case may be to order stay of realisation of tax on such terms as may be directed

Sir, with regard to section 50, I have only one word to say Why should the Crown plead limitation against an assessee for an amount wrongfully withheld? Or why the period of limitation should not be extended to three years? Or again there should be a provision to set off the sum for later years Under the Contract Act, a debt barred by limitation can in certain cases be recouped by the creditor out of the amount received when there is no specific direction to appropriate it to a particular debt Limitation strikes at the remedy, but not the right

Sir, section 66 of the Income-tax Act is an important section, and I should like to make one or two remarks on it In the first place I would submit that the fee of Rs 100 for making a reference to the High Court is too high and it should be reduced to Rs 10 or Rs 15 In a rich country like England the fee prescribed is 20 shillings only, (*vide* section 149(c) of the English Act, 1918) It may be replied that the fee is put down at Rs 100 in order to discourage frivolous applications But this is absurd We must take into consideration the assessee's expenses in-

expenses, which is inevitable in taking a case to the High Court It may also be argued that section 66 (2) provides a fee of Rs 100 or such lesser sum as may be prescribed But no lesser sum has been prescribed under the Act, or any rule made thereunder, at least so far as my province is concerned, and so in practice the maximum fee of Rs 100 is, I understand, demanded in every case Again it seems only reasonable that this fee should be deposited only after the Commissioner passes an order accepting the contention of the assessee to make a reference to the High Court This will save the assessee the trouble and expense of withdrawing the fee if the Commissioner rejects his application

Here I may also mention that in a great many cases no interest is paid to the assessee for the tax wrongfully realised from him by an assessment which has been modified in appeal or revision In all fairness interest at the court rate should be allowed But the law is silent on the point, and in practice no interest is allowed at all in a great many cases

Another remark which I should like to make on section 66 is this. The present procedure of approaching the High Court and the Commissioner simultaneously is cumbersome, anomalous and in practice works hardship I think in no other system of law is such a procedure provided. The assessee naturally is under the impression that he would go to the High Court after he has exhausted his remedy before the Commissioner, and in a great many cases, when he obtains the Commissioner's order, and wants to go to the High Court, he finds to his bewilderment that his remedy is barred I would accordingly suggest the insertion of necessary amendments in this section on the lines indicated above

Last year, Sir, I suggested that in computing the period of limitation prescribed for an appeal or for an application under section 66 the day on which the order complained of was made and the time requisite for obtaining a copy of such order shall be excluded I am glad that this has been done, and a source of legitimate complaint on the part of the assessee has been removed

Sir, these are some of my main suggestions on the Income-tax law, and now I should bring my remarks to a close But before resuming my seat, I would add one word more Under the Income-tax law, or more correctly under the Finance Act, an annual income of less than Rs 2,000 is free from income-tax Why? Obviously because it is thought that an income of less than Rs 2,000 is just sufficient for the maintenance of a man and his family, and he is not in a position to spare anything as income-tax But as soon as his income reaches or exceeds even a little over Rs. 2,000, he is made to pay not only on the excess but on the whole amount including the sum exempted from income-tax Suppose a person's income is, say, Rs 2,300, I would suggest that Rs 2,000 which is intended to be just sufficient for his and his family's maintenance should, on grounds of equity and fair play, be excluded from the income-tax, and the tax should be levied on Rs 300 only which is deemed to be in excess of his minimum requirements In England the income-tax is levied on the above principle, and there are shares prescribed for the actual requirements of the family members and dependents, and these shares are excluded from the income-tax I would suggest that some such principle may be introduced in our system also, and a much needed relief be given to the assessee Sir, this is about all I have got to say now, and

[Mr. Gaya Prasad Singh]

I hope Government will be pleased to give some indications as to what steps they propose to take to remedy the state of things which I have pointed out

Mr. M. K. Acharya: Sir, I wish to repeat what my Honourable friend Mr Ranga Iyer so ably put forward, namely, that this is an occasion on which we ought, on principle, to raise this ground of grievances before supplies I do not, of course, propose to go in detail into all the many items into which my Honourable friend so eloquently went, but I believe as of late a Member, like him, of a party which once had the honour of being the most important party in this House, as one who had participated in demonstrating concretely that principle in this House, namely, of throwing out the Finance Bill on the general ground of larger grievances of the country being unheeded by the Government, I desire to take this opportunity once more to re-emphasise that principle, and to say that there is a great burden resting upon the shoulders of every one of us here who is an elected Member that he ought, if possible on this occasion, to show not only to the Government, but to the country at large, and also to the whole world, that there are grievances felt by the people of India on a very large scale which would justify, and amply justify, the application of the principle that the Finance Bill ought to be rejected today I know, Sir, the Government may be feeling in their heart of hearts, "Let these people say what they like we shall do what we choose, there are plenty of votes at our back and call, and it does not matter what a few of these Members may choose to say on principle" I am not concerned with that aspect of the question, with success or failure well-gotten or ill-gotten, and who can deny that success very often in this House is ill-gotten? But that does not affect me very much I am here to make my humble appeal to every elected Member who has to go to the country, it is our duty to go to the country and it is our duty to go and tell every one who is an elector and every one who is not an elector, to every one in the country it is our duty to say that we have done all we can, that we have taken every possible step we can, that we have taken every advantage of the new constitution under which we are working to press upon Government the larger grievances of the people, and to say that we will not participate in what I must call the farce of voting away huge sums of money and in granting supplies to a Government that, so far as I can see, do not seem even to care to inquire what exactly are the grievances complained of

Sir, we are thankful to you for having allowed us to ventilate some of our grievances on the floor of this House but Sir, what has been the response on the other side? So far, not one of the major grievances put forth on the floor of this House has been answered seriously Sir, at the very beginning of the second reading of the Finance Bill, we raised the larger question of the Government's failure to make a satisfactory response to the larger political demands of the country I wonder whether it was taken seriously, and whether there was any serious reply made to it either by the Finance Member or by the Home Member or by any Member of the Government. I should like to know, first of all, if this is all our business—for us to say what we like and for the Government to do what they please at the end If that is so, we might as well be spared all this farce; for, I, for one, am not very anxious to hear my own voice in this House Therefore, unless some major grievances expressed on the floor of this House are being dealt with seriously

by the Departments concerned, unless some serious answer is being given to the questions raised on the floor of this House, it is idle to say that this is an occasion on which each one of us may ventilate all our grievances Of course, I, for one, should not feel very much aggrieved if for instance difficulties felt by income tax assessees over the working of a particular section here or of a particular section there are of a serious character It is a point of detail, which might be remedied elsewhere than probably now and on the floor of the House But on the larger questions, I repeat, in which verily all, or the bulk of the people are concerned if Government Members simply hear and pretend to hear, and then do not even condescend to give a reply on the points raised, I do not believe that we are treated fairly or that the constitution is being worked in the manner in which it ought to be worked

3 P M

Take this very simple example, namely, this debate as it is called on the Finance Bill Of course I do not blame any particular individual In fact I am thankful to you for having allowed us one extra day for discussing this Finance Bill As originally planned by Government, the discussion of the Finance Bill would probably have come to an end on the 22nd But I am just raising this general point There were 12 days given for the whole of this Budget, 2 days for what was called the general discussion of the Budget, 5 days on the voting of Demands for Grants, and 5 days for the passing of the Finance Bill I put it to you, Sir, in all seriousness, do this Government expect the civilised world, expect any intelligent man to believe that this is anything other than a farce? We are asked to vote away some 130 crores of rupees upon various demands even excluding military expenditure Nearly a hundred Demands are put forward in the huge book that is placed in the hands of every Member of this House containing the detailed estimates and Demands for Grants And we know—I do not blame any particular Member of Government—but we know that we have hardly time even to take up one or two Demands and discuss all the motions under them And I wish the Deputy President were present here now He said that we passed all the Demands for Grants and voted the expenditure I do not think that we ever voted the expenditure or anything like it We know there is an automatical way of passing it all, on the last day the guillotine falls and then we are forced to go through the farce automatically Everything is put to the vote, and is declared to have been carried I do not know if there is any other country in the world where this would be called voting the demands for expenditure made by the Executive Government There may be some few occasions; I dare say it may be impossible in any legislature under the sun for every demand put forward by the executive to be scrutinised carefully and passed leisurely, but I do not believe that there would be any legislature which has got anything like a responsible machinery working in it, where you will have this kind of thing, where we say what we like on this thing and that thing, and at the end the whole thing is supposed to have been passed How are we responsible to grant the money for expenditure which has been passed in this way, not by us but by the automatic working of some rule? It is just the same autocracy now as in the old days, though I was not here then and was not connected with the then Budgets of the Government of India I repeat, it is all an automatic machinery for which we are not responsible. Our views are not heeded; and

[Mr M K Acharya]

therefore morally speaking—whatever the legal technicality may be—morally speaking I do not grant the proposition that this House has voted the demands for expenditure, and that this House is bound therefore to grant supplies in order to meet that expenditure Morally, we have not voted the expenditure, and morally therefore we are not bound to pass this Finance Bill Therefore, on that one ground that we are not given, under the present constitution, ample opportunities either for passing the demands for expenditure or for scrutinising and passing the Finance Bill, on that one ground alone, I think we should be amply justified in rejecting the Finance Bill That is to say, in so far as we are concerned, we decline to have anything to do with the Finance Bill I am quite well aware, and everybody knows, that whether we pass the Finance Bill or do not pass it, it will become the Finance Act, that the Governor General is vested with ample powers under the Act to certify and pass this Bill into law But I am stressing the moral ground that, whatever may be the technical aspect of things, we are morally bound to reject the Bill, we are morally entitled and indeed bound to force the Governor General to certify the Finance Bill and on his sole authority to pass it Why all this farce of saying that we are parties to it, that the Legislature has been consulted and has approved of the Finance Bill, that, after serious deliberation and approval, all these taxes are imposed? I think, Sir, that it is a travesty of the truth and I do not see why we should go to the country and make the people believe that we are really responsible for the passing of this Finance Bill

These, Sir, are some of the passing reflections that came into my mind when I heard the Deputy President say that the grants for expenditure had been voted, and that we must pass the Finance Bill We did not vote at all the demands for expenditure and we are not morally bound to pass this Finance Bill By our not passing the Finance Bill it is not going to cease being passed Now, I repeat that it is our duty

Maulvi Muhammad Yakub: Repetition is not allowed Take your second point

Mr. M. K. Acharya: I repeat that it is our duty to insist on Government giving proper replies to some of our major grievances, and it is our further duty, not having had anything like a proper or satisfactory response from Government, to tell Government, in what telling manner we can tell, that we shall not pass the Finance Bill That is the only way in which we shall be discharging our duty to our electors That is the one way in which we shall be acting in a manner which will be worthy of the country whose interests we are supposed to be safeguarding. There are other things besides the larger political questions into which I said I shall not enter today There are very many other matters also. What has been the action of Government, of this very responsive Government, with regard to the complaints made by Honourable Members here about the trouble to which Indians are put in Ceylon? What has been the action or response of Government with regard to the complaints made about the troubles of Indians settled in South Africa? These are all matters which certainly, at the time of the Budget, at the time when Government come down to us for supplies, ought to receive as careful and as sympathetic a handling from Government as possible.

I do not know if there has been any answer to these questions that have been raised in this House Even when we do all that we can to get some kind of sympathetic response to the most pressing problems in the country, to the way in which people are arrested for political offences, to the way in which they are tried, to the way in which they are sentenced and so on, nothing in the way of a satisfactory solution to these problems is at hand The Finance Member may think that his only duty is to tell us how much money is required to carry on the Government of the country during the coming year, and ask us to vote that money. Probably that may be his strict legitimate work But we look upon him as a Member of Government, as part and parcel of a big Government, and if the whole of that Government fails in its responsibility, I do not think he can have much reason to complain that we do not accede to his wishes or look upon his demands from the purely financial standpoint

I find Sir Frank Noyce looking hard at me, but I am going to ask him what has happened to the Resolution passed in this House last September in regard to laying the stable foundations upon which responsible Government alone can be established in this country It has been kicked into the air like a piece of cotton This House passed the Resolution, saying that this Government should take steps to establish fully autonomous Panchayats all over the country, and thus begin responsible government at the lowest unit, and then develop it into the districts, and then in the provinces and then in the whole of India It was a Resolution passed by the votes of almost all the elected Members of this House, in spite of the Government using all their strength against that Resolution What has been done? Has anything been planned? Nothing, I suppose If this is the way in which the Resolution of this House is treated by the Government, why should we now be asked to vote all this huge sum of money to the Government, and why should we support the Finance Bill at all? That, Sir, is a question for which I should like to have a definite answer from the Government It is no use saying, money is badly wanted, retrenchment is impossible, and things of that kind Our question is, why have not certain definite Resolutions of this House been carried out and why have not certain definite grievances been looked into by the Government If you do not care to look into our grievances and carry out our Resolutions, why do you come to us and ask us to vote any supplies? You can pass the Finance Bill yourself and you can save your trouble and our trouble We can go home earlier and you can certify It is very humiliating for us to be told, "You must pass this Bill, we want money at once, so you must pass this in one hour or in one day" It is due entirely to you, Sir, that you have extended the Session by five more days and have given us a little more time to cry out Ours may be a voice in the wilderness, but it is some consolation that we have got the chance of crying out on behalf of the many, many millions whom we are supposed to represent

I come now to the Finance Bill itself There are a few points which I would want to scrutinise First comes the salt duty Our old friend is kept on Government say that, at some time, perhaps at the Greek Kalends, they will remove it. The Honourable Sir George Schuster may not be here then I was talking till now only of the Finance Member and not Sir George Schuster who, I know, has got a very sweet face, a very sweet tongue, and that is exactly what disarms us, what conceals sometimes the deep thrusts he gives to us However, Sir George Schuster

[Mr. M. K. Acharya.]

ıay not be here, but some other Finance Member may be here, and we ɔ not know whether he is going to abolish this salt tax. All that I need ɜy now is that the salt duty is kept on this year exactly where it was ɹst year, in spite of all our protests. We have been saying that the ɜlt monopoly is unjustified, and yet the Government thrusts it on us /hat can we do? They say, it is very handy, it gives 6 or 7 crores to ıem and it is a very paying item in their revenue and they cannot give up and because the Government find it handy, therefore this tax must ɔ kept on in spite of its iniquity, in spite of the fact that it is a tax ı the poorest man. It may be one pie or half a pie I am not a ıancier and God forbid that I should ever become one in my life But hether it is half a pie or quarter of a pie (Interruption)—I wish to live r higher ideals and not care for rupees, annas and pies—why should e poorest man be taxed? This is very repulsive That may be the hics of commercialism I am not enamoured of commercialism, I leave at there.

Sir, the next item I wish to refer to is about the various kinds of ıties on silver and other things They are not even as much as they ɜre last year They are raised The duty on silver is raised The duty ı sugar and so many other things is raised, there is now increased xation and for what? What is the return for this increased taxation ɔbody has told us about it Government are merely pleased to say that ore money is wanted Then there is the income-tax Many speakers ve already referred to it, and I do not want to go into any detail So ɜre is no reduction anywhere, except perhaps on what they call the port of rice from India or something like that But there is an increase taxation all round The duty on kerosene is raised Therefore, if you into the details of the Bill, the net result is that there is larger xation this year than there was last year The Finance Member asks to agree to larger taxation Shall we do so, because there is greater ɔression in the country? There has been nothing gained during the ɹst year, but there is to be larger taxation Nothing gained or only nus quantity on the side of political privileges and economic advance d things of that kind, and on the other side, there is more expenditure, ɔre taxation It appears to me, therefore, that, so long as we have ı power or responsibility in our hands, I do not see how any elected, any non-official Member for that matter, should say that the money ɹst be found I do not understand the word "must" at all It is for ɜ Government to find the money. We have no responsibility We not incur the expenditure We are not therefore morally bound to d the money. All this "must," I am unable to understand Sir ɔorge Schuster knows how to find the money Therefore it appears to ɜ that considering the manner in which the Government have treated , willingly or unwillingly—it does not matter whether deliberately or herwise—considering the manner in which we have been treated, it es not lie in the mouth of the Government to say, "You are irrespon-ıle people, we ask for more money and you do not give us" I do t believe Government can bring that charge nor that we should be ·aid of being told that we are irresponsible After all, the simple oblem is there. We give the money in return for what? Is it in turn for the many grievances which my friend Maulvi Muhammad

Yakub has put forward? He has stated that there is not sufficient Muslim representation in the services and so on I shall not go into those details What is the measure of our responsibility? Are we to go down on bended knees and say, "Yes we shall vote all the money that you want, because when meeting in the lobby you will say, I expected better from you"? Supposing some gentleman on the other side says, "I expected better from you," is that a reason why I should fall on bended knees? Surely we all expected better from the Government In this respect I would take a leaf out of their book and treat with equanimity whatever is said about us We shall tell them, "Mind your own business and try to find money in your own way and we shall not be in any way responsible for it" It is all very well for any Government Member to meet in the lobby and say, that any one of us has become a bad boy I say we have a lesson to learn from them They do not care for what we say and let us not care for what they say Therefore I would make a strong appeal to all my non-official friends, because we are passing through critical times, because the Honourable the Law Member will not open his eyes, the Honourable the Home Member will not open his eyes and recognise what we want Considering the attitude, the unyielding attitude of the Government, the unreasonable, obstinate attitude of the Government, towards the most reasonable demands of the most reasonable Members of this House —should we alone go down on bended knees and say that the Finance Bill must be passed today? If the Finance Bill is not passed, the millowners will suffer, take care, the deluge will flow upon their heads This is what they say

And that is another trick to compel some to vote for the Finance Bill The two things should have been separated, the Tariff Bill should have been brought at some other time or in some other environment I do not see why the two things should be jumbled together, why we should be asked to pass the Finance Bill today, and then take up the Tariff Bill. I know what is in the minds of many of those who are anxious about the Tariff Bill The feeling is that Government cannot drop the Finance Bill, but they may drop the Tariff Bill They are bound to go on with the Finance Bill, and in some way or other, put it on the Statute-book; but the Tariff Bill for the millowners, what will become of it? I consider these are very immoral ways in which various influences are brought to bear upon us I hope my friends will stand against any such temptation, direct or indirect, and will stick to this one principle that, until we become actually responsible in some measure for this huge expenditure of money, and until we are in a position to tell those whom we represent that we are really safeguarding their interests and we shall act in a manner which will be in the best interests of those who send us here, until we are in a position to say that, I think we ought simply to tell Government, "We thank you for the opportunity given to us for making the speeches we have to make, but the Finance Bill will have to be passed on your own responsibility; you have given us no power and we shall not take upon us the burden you have cast upon our shoulders". I hope my non-official friends will realise this, and not only make this Government understand, but the Government in England understand, so that they can eradicate this anomaly at as early a date as possible. We must make the Government here and the Home Government understand that we have no real constitutional power; when we get true power, we shall exercise it truly, but now when we have not that true responsibility, we do not propose to exercise any;

[Mr M. K Acharya]

and we lay the whole responsibility on the shoulders of the Government. The Finance Bill must be their own responsibility and we have nothing to do with it Let us either vote against it, or not vote at all Let them take the full responsibility, for we cannot morally—and is it not also legally—I do not know what the legal aspect of it is—we cannot morally, I am sure, take any responsibility As the Government, as at present constituted, are indifferent to the best interests of the people, and spend as they please the money voted by this House, and only ask for more and more money, I therefore think that it is the duty of every elected Member, who has got any self-respect, to tell the Government, point blank, that he shall not be a party to this very unfair and immoral transaction

Mr. Amar Nath Dutt (Burdwan Division Non-Muhammadan Rural) Sir, we have been asked to give our support to the Finance Bill by the Honourable the Finance Member Section by section, amendments have been brought forward, they were argued to the best of the ability of the Mover, but they failed to create any impression upon the Members of the Treasury Benches We have been asked to supply the money that is necessary to carry on the administration Who are we here? What is our position? Have we real power to deny them the money that they want through this Finance Bill? No, we have not Then why this mockery? You may say that we have 104 elected Members No doubt we have, but they include Members belonging to special interests such as the European Group, Chambers of Commerce and Landholders, and if you omit them you will find that the real representatives of the people in this House are an insignificant minority Forty of them owe their seats to, and have been characterised by my Honourable friend over there, Mr Ranga Iyer, as having for their constituency the Viceregal Lodge One such Member was annoyed at the remarks made by my Honourable friend, but the fact remains that these nominated Members owe their seats to the Government Under the circumstances, would it not have been better for you to ask, when you move for the acceptance of the Finance Bill, to ask the real representatives of the people to abstain from voting? No, under the rules and procedure of this Assembly, every one of us can vote, although in case of the Public Accounts Committee we have a rule that only the elected representatives will vote But in that case, the Government ask the elected Members only to vote, because, as my Honourable friend Mr Roy has said that the Public Accounts Committee is nothing but a *post mortem* examination and therefore a very harmless procedure

Sir, whether we are in a minority or in a majority, we cannot lend our support to the passing of the Finance Bill And why? Because of the elementary principle of all parliamentary Governments, *viz*, redress of grievances before supply And what are our grievances? If I were to relate the grievances of our people I could not possibly relate them within the short time I have at my disposal (*A Voice* "Then go on") It is not a single legislation or a single act of the Government against which we raise our voice of protest; but a long series of acts of misrule which has accumulated during the period of nearly a century and a half Sir, if we cannot lend our support to this Finance Bill, it is because we feel that we have not been treated as we ought to have been by the people who happen to rule over us at the present moment. Looking at the history of Councils, we have to go back to the early sixties of the last century when three Indian gentlemen became Members of the Imperial Legislative Council, not by

election, not by a suffrage of the people, but nominated by the Government. They were Raja Sir Dinkar Rao, the Maharaja of Burdwan (*An Honourable Member* "Was it the present Maharaja of Burdwan?"), and Sir Salar Jung It went on for some years when some time later on recruitment was made from the High Court Bar for the Imperial Legislative Council and the Indian National Congress from its earlier days began to demand representative institutions for this country It was at Bombay, Sir, where that great man who would not take the prescribed oath in the House of Commons after being returned at the head of the poll from Northampton, the late Mr Charles Bradlaugh It was at Bombay, when Mr Bradlaugh came there during the National Congress week, that he heard about the real situation in the country, and then, when he returned to England, he carried on an agitation on behalf of India which got us a representative Council as we knew it in the early nineties of the last century But, Sir, what were their powers? Their powers were practically *nil* The Members were merely putting a few interpellations and recording pious wishes just as we are doing today (*An Honourable Member* "Not pious") But I don't see much difference between that Council and the Assembly of the present day because we are also equally helpless in this House Of course, when that Council was inaugurated, we thought that was the beginning of a new era Seventeen or eighteen years later, the Government thought that some concession must be made to satisfy the rising aspirations of the people,—I mean some honest Englishmen thought so But at the same time, there were also certain Englishmen who were bitterly opposed to any measure of reform being granted to this country, and they always tried their best to whittle down reforms to such an extent that, for the first time in the history of this land, we had the inauguration of a so-called reform which made a difference between me and my friend over there, Dr Suhrawardy, and which during the last 20 years has been responsible for much bitter communal dissensions and which we witness almost every day here A charge has often been laid at the door of the Indian National Congress for the pact which it devised at Lucknow It is very convenient to forget the past history of communalism But who accentuated it? Who brought it here? Can any man with a grain of commonsense think that representation in State services should be according to one's religious faith? I stand here as simply Amar Nath Dutt, a Hindu Member of this House I cannot be taken into certain services owing to my religious faith But the moment I accept Islam, the moment I change my name to Azzizudin Ahmad, immediately all the Treasury Benches will have for me a soft corner in their heart; they will say all sorts of things to keep Azzizudin Ahmad away from the doings of those Members like my friend Mr Kelkar

Mr. President: Order, order

Mr. Amar Nath Dutt: . . . or my revered leader Pandit Malaviya.

Mr. President: Order, order

Mr. Amar Nath Dutt: These are some of the unhappy things for which the Government are responsible and that is why I want to throw out the Finance Bill *Divide et impera* has been the policy of the Government in this country because it suited their purpose better No doubt, Sir, it is very unfortunate that I have to say all these things when the Finance Bill is before us, because that is the only occasion on which we can do it, but I must say that it does not cast any reflection on the Honourable

[Mr. Amar Nath Dutt]

the Finance Member, who is hardly responsible for any of the happenings during the time of his predecessors Sir, I wish that other Members of the Treasury Benches were in their seats, because all these indictments are directed more against another Department, and the Member in charge of that Department hardly listens to what is going on here, thinking that the Finance Bill concerns only the Finance Member (*An Honourable Member* "The Law Member is here") He is of course very regular in listening, but he was sleeping when my friend Mr Acharya was speaking Probably he thought that Mr Acharya would speak about the Sarda Act

Sir, let me once more say that at least those of us who are on the Standing Finance Committee against which my revered teacher had a fling when delivering his speech (*An Honourable Member* "Who is he? Who is your Guru?") (*An Honourable Member* "Mr K C Roy") I refuse to mention the name, because modesty forbids me from taking his name I was under his guardianship in my boyhood and owe a good deal to him for training (*An Honourable Member* "It is no compliment to your teacher") I will not wound other's feelings by uttering hard words, I am always meek and humble (Laughter)

Sir, it was said that there are several statutory checks on expenditure, and that the Standing Committee does not do its duty properly If my friend had been present at least at one or two meetings he would have seen that every one of us tries to do our best Above all, I may tell the House that Sir George Schuster himself is the most active Member of that body He has got a very warm heart and is keenly solicitous for India's welfare and tries to curtail expenditure as much as possible to an extent that I never saw before (Hear, hear) For that we ought to be grateful to our friend the Finance Member But, Sir, our indictment is not directed against him as an individual, but our indictment is directed against the whole system of administration Therefore, Honourable Members should not think that anything that is said here is only directed against the Honourable Member We have the highest regard and respect for Sir George Schuster, but at the same time we feel that, as representatives of the masses, we can not but oppose this Bill How can we lend our support to a taxation Bill of this character?

Sir, I have in brief endeavoured to place before you how this constitution grew up After the Minto-Morley Reforms worked for some time we got this piece of reform with which we are playing here This reform has been condemned by every one and by the entire politically minded India (*An Honourable Member* "Except Mr Fazal Ibrahim Rahimtulla"), but he denies it and he also condemns it, because it is no improvement upon the previous reforms when we had men like Raja Sir Dinkar Rao and others Now, what can we do in these Councils? We can only record our protest You ask us to pass this Bill in order to enable you to meet your expenses Now has this deficit been incurred by you?

Mr. President: Order, order

Mr. Amar Nath Dutt: This deficit has been incurred by the Government, because they must have an army of occupation in this land, lest we should drive them out and ask them to clear out bag and baggage This army of occupation costs no less than 55 crores, or more than half the revenue of the country You won't reduce.

Mr. President: Order, order.

Mr. Amar Nath Dutt: They would not reduce this because it hits so many people of their own race who could not find better employment in their native home My friend Mr Howell is not here He was a bit annoyed but very mildly put it to me one day "May I ask you, Mr Dutt, is it very necessary to rake up old memories?" when I referred to the aftermath of the Cawnpore massacre? I would refrain from referring to anything which is unpleasant, but the pages of the history of India are full What do we find from the time of Clive downwards? We Hindus, as the descendants of our ancestors of those days, have the sacred ceremony of *tarpan* in which we take the name of our fathers and offer them oblations This is a pious duty which a Hindu owes to his ancestors Every Indian knows how Lord Clive came here and won the battle of Plassey I sympathise with my Muhammadan friends

Mr. President: This is too much Will the Honourable Member come to some recent date?

Mr. Amar Nath Dutt: Well, Sir, in the time of Warren Hastings .

Mr. President: Order, order

Mr. Amar Nath Dutt: Do you want me to come to some later date?

Mr. President: Will the Honourable Member come to the Finance Bill?

Mr. Amar Nath Dutt: Yes, Sir, I protest against this Finance Bill. I do not want to lend my support to it, because the Government have treated us so shabbily Let us begin with recent history That superior person, Lord Curzon, brought about the dismemberment of our province This is at the root of many of our grievances To placate the moderates, they introduced the Minto-Morley Reforms, which brought in communalism, and then things went from bad to worse Then came the days, when young men, the flower of the youth of the country, were driven to desperation There were conspiracies and you deported .

Mr. President: Order, order The Honourable Member ought to be very careful If he is irrelevant, I will ask him to resume his seat

Mr. Amar Nath Dutt: Another reason why I should oppose the Finance Bill is the treatment of political prisoners I have just read in the papers that two political prisoners have been put on standing handcuffs in the Central Jail at Alipore and they have been locked up in solitary cells. All of them it is understood have resorted to hunger strike as a protest against the maltreatment of the jail authorities Now, the Jail Committee's Report has been published It was published on the 19th February My Honourable friend Mr Mitra asked the question whether it was going to be applied to Bengal The Government gave us vague answers and the rules which have been framed are not applied even now The Kakori prisoners have also gone on hunger strike Today it is the 46th day, and the Secretary of the Bareilly District Congress Committee wires that the condition of Sachindra and Manmatha, who are on hunger strike in the Bareilly Jail, is very serious and both are on their death bed. The public of Benares are making arrangements for the reception of Sachindra and Manmatha, should the worst happen These things the Government do

[Mr. Amar Nath Dutt.]

not take into consideration And are we to support the Government when things like this are happening? They do not find money to separate the judicial and the executive Whenever other things are necessary, they find the money Sir, why the separation of judicial and executive functions is necessary will be seen from an instance which I am giving at the present moment There was a sedition case at Alipore against Mr Subash Chandar Bose, Mr Kiran Shankar Roy and others and they were tried by a Magistrate holding a listed appointment Now, he knew that his promotion depended upon this He gave them full one year under section 124-A, and after delivering the judgment, he was appointed permanently as District Magistrate That is the reason why the judiciary should be separated from the executive for it leads to such undesirable state of things From the times of Manmohan Ghose, we have been fighting for the separation of the judicial from the executive In fact the late Manmohan Ghose laid down his life when writing an indictment against the vicious system Since then the late Mr Romesh Chunder Dutt pointed out the way in which you could separate the judicial and the executive functions But the Government will not do it They would find money for many other things, they would find money for luxurious saloons (Hear, hear), but they could not find money for the separation of judicial and executive functions Money can be found for the army of occupation which did not cost more than 15 crores of rupees in 1900 But within thirty years, it has increased to the dimension of Rs 55 crores, nearly 40 crores more Money could be found for all these things, but not for a simple reform like the separation of judicial and executive functions We have cried ourselves hoarse for free primary education and the late Mr Gokhale till the date of his death was asking for free primary education For that they cannot find money But still they are asking us to vote money for other things, not for the separation of judicial and executive functions, not for free primary education Besides these two grievances, there are a lot of other grievances at the present moment, which must be redressed before we can be asked to vote for the Finance Bill I know how eager my Muhammadan friends are for the repeal of the Sarda Act, and in fact I am deeply grateful to them, for they are men of deep convictions and religious faith, and I am quite hopeful that they will support us in our opposition to measures like these against the Government In fact the Muhammadans are going to launch civil disobedience against the Act There are two methods of civil disobedience and I do not know which of the methods they are going to adopt I have also read in the newspapers that unless the Government do something, in fact even the orthodox Hindus also are going to join that movement

Mr. President: Order, order This is irrelevant

Mr. Amar Nath Dutt: That is one of the grievances against which we may ask the Government

Mr. President: The Honourable Member must now conclude as soon as possible.

Mr. Amar Nath Dutt: As I was submitting, Sir, this House has no real power Such being the case, we can hardly be asked, consistent with

our dignity, to support this measure of taxation I feel in the words of the great sage who wrote in the Bhagavat Gita.

Karmanyeba adhikaraste
Ma falesoo kadachan

"You have to do your duty without caring for the result"

One other fact I would refer to if the Chair would permit me, and that is with reference to the Round Table Conference, about which something has been said It has been said by the Honourable Member in his speech that the times are not ordinary Within a few months the representatives of the Indian people will meet the representatives of Great Britain Sir, do they expect that, with men like Mr Subash Chandra Bose and Mr Sen Gupta in jail, and with the prospect of Mahatma Gandhi being put in jail, surely they do not expect that patriots like Mr Jinnah and Pandit Madan Mohan Malaviya will attend the Round Table Conference? I beg to submit that the Government must declare a general amnesty to all the political prisoners before they expect leaders like Mr Jinnah or Pandit Madan Mohan Malaviya to attend the Round Table Conference Even when the question of Ireland was being settled, they reserved five seats for the revolutionary party If you want to have really a Round Table Conference you must have all sorts of interests and all sorts of thinkers and every point of view placed before you

One other point about the treatment of political prisoners at the present moment The motive, they say is no criterion, but, Sir, what other factors should be, except motive, the criterion to classify political prisoners? There is my Honourable friend Colonel Crawford sitting there He might have shot down many people

Colonel J. D. Crawford (Bengal European) Never, Sir

Mr. Amar Nath Dutt: Or some other gallant friend might have shot down many people during a battle Do you refuse to sit with him? No. Why, because his motive was very high, the honour of England and the freedom of his country was in his mind I appeal once more, through you, Sir, that all the political prisoners who are the flower of the youth of our country and who are fired by the highest patriotism . .

An Honourable Member: Idealists

Mr. Amar Nath Dutt: Yes, idealists, no doubt of a very high type, they should be treated as my Honourable friend was pleased to observe, as so many prisoners of war, and they should not be treated like ordinary felons in jail I appeal seriously to the Treasury Benches, through you, Sir, that they should take into consideration all these things before they can ask us to co-operate with them or side with them in the matter of the Round Table Conference or in taxation Bills like this They should give a general amnesty to all the political prisoners Also the Government should not treat the prisoners, in the way they are doing by handcuffing them. What have the Government done for the Kakori prisoners? They are on hunger strike, because these prisoners have been denied the privilege of being classed as "A" class prisoners As a protest against the Government not introducing this classification, so far as the Kakori prisoners are concerned, those prisoners have gone on hunger strike I also hear, Sir, that one of the Kakori prisoners was denied any association

[Mr Amar Nath Dutt.]

with anybody or permission to see anybody All these things fall within the province of the Home Member to reply to, not that of the Finance Member The Honourable the Home Member should see his way to redress some of these grievances before he can set the Honourable the Finance Member upon us to ask us to pass this Finance Bill I do not wish to take up much of the time of the House by dealing with other grievances I wish only to touch one point

Mr. President: Order, order The Honourable Member must conclude

Mr. Amar Nath Dutt: All right, Sir Before I sit down, I wish earnestly to appeal, through you, Sir, to the Government to look into every one of these grievances before they come to this House to ask us to pass such taxation Bills

Colonel J. D. Crawford: Sir I would like, on behalf of the European Group, to clear up some of the confusion that possibly exists in the minds of the House and of Government as to our attitude towards the Finance Bill Honourable Members will remember that during the general discussion, my colleague Sir Hugh Cocke very clearly stated that, as a Group, we considered that the Budget must be balanced and the taxation, in so far as we could see it, was generally well distributed, and the Honourable the Finance Member's Bill would have our support At a later stage, Sir Hugh Cocke again pressed for retrenchment, not that he intended to move a vote of censure on the Finance Member, who was already undertaking measures of retrenchment, but to point out that to our mind departmental inquiries into retrenchment are not very successful, and that it would be advisable to have associated with the Retrenchment Officer, whose ability we thoroughly recognise, some outside opinion

4 P M

The next position which the European Group took up was one with regard to the kerosene oil duty. I think our attitude on that particular measure has not been thoroughly understood We had two points really to make, that the measure which had been brought in meant a change of policy, which had existed for 25 years, and that change had been introduced without any real consultation with the oil industry as to how the new proposals of Government might affect that industry We believed, and still believe, that it will affect the industry in two ways one, that it will hit very hard the small indigenous oil companies, one of which, as the Honourable the Commerce Member pointed out, was of strategic importance to India, the Attock Oil Company. I think it is up to Government to watch very carefully the effects of such a measure on the smaller companies and to give them such aid as may be necessary The other point was that we felt that the imposition of this duty will, in actual practice, if not tomorrow or even within the next three months at a later stage fall rather heavily on the consumer, the yellow oil which has been supplied for 25 years at a reasonable rate on an understanding with Government may be withdrawn and further refined for the production of higher priced kerosene and petrol which is more profitable to the companies concerned. Thereby the consumer is likely to find himself without the cheap oil which is his mainstay.

These were the real points and they were never actually refuted in the debate Arising out of that point, there was an incident which the Group

took rather to heart. The Honourable the Commerce Member, in his repl to Mr Lamb's speech, suggested that this Group sought to press Gov ernment to a favourable treatment of the European interests over India interests That, Sir, has never been the position of the European Grou and never will be All we seek from Government is just treatment As a Britisher, I am well aware of a trait in the British characte which leads them to be rather severe on their own people for fear o being charged with favouritism That is a position which I meet ever day in India and which I believe is incorporated to a certain extent i the present measure and which was given voice to in the remarks of m friend the Commerce Member We do not want you, in your endeavours to be impartial, to weigh the scales against the European interests, bu simply to do your best to treat all with equality and justice

Mr. President: Order, order

Colonel J. D. Crawford: There was one further incident, Sir, whicl arose during the various discussions on these measures, and with you permission I would like to say how much we regret the incident whicl arose from my colleague Mr Lamb's remarks concerning the position o Mr Birla I feel sure that if my Honourable friend Sir Purshotamda Thakurdas will read the official report of the debates he will get th impression that there was no insinuation in Mr Lamb's remarks I any case no insinuation was intended

Finally, Sir, I think the Group would like to congratulate the Honour able the Finance Member on the skilful handling of this Bill to the presen stage, and to add that we all hope that he will be equally successful i the final stage.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber Indian Commerce) Sir, before I commence the very few remarks which I wisl to make on this third reading .

Mr. President: Does the Honourable Member wish to speak on th motion?

Sir Purshotamdas Thakurdas: I have a few additional remarks t make, Sir

Mr. President: I thought the Honourable Member wanted to say something in reply to Colonel Crawford

Sir Purshotamdas Thakurdas: I am beginning with that, Sir I wisl to deal with what the last speaker wound up his speech In view o the explanation given on behalf of the European Group by Colonel Craw ford, and the assurance that in any case no insinuation was intended against Mr Birla in the remarks of Mr Lamb, on the 20th instant, I have n hesitation in stating on the floor of the House, that I would not Lave made the remarks I did on 21st instant except under that impression and provocation I regret the incident equally with the European Group, a stated by Colonel Crawford, and in this controversy, if I happen t have hurt the feelings of any of my friends on the European Benches I assure them that I regret it also (Applause.)

Sir, regarding the Finance Bill proper, I have, as I said, very little t add. I fully realise that, in spite of Government having, during the last few years, carried measures against the popular wishes, this House has

[Sir Purshotamdas Thakurdas]

this year voted extra taxation The Honourable the Finance Member has held out a hope that the Government of India are formulating a new policy for the economic development of the country and one would, with interest look forward to what the Honourable Member is likely to achieve during the next year or within the next two years But I feel that the best development of India under the present circumstances can be by making India self-contained in the sense of utilising her raw materials for the purpose of manufactures which she imports from abroad I know that this is liable to the construction that a policy of that nature presupposes high tariff But I would like the Honourable the Finance Member to point out to this House any instance of a country which has vast resources of raw materials which that country does not utilise and which it continues to export, and in return imports articles which she can manufacture within her own boundaries with a little effort on the part of the public and reasonable facilities by Government As far as the public are concerned, there is not the least question of the public having the necessary enterprise to take to such manufactures All that is required, to my mind, is a change in the policy of the Government of India as it has been till now Take the instance of sugar alone The duty on sugar has been increased to what works out now to 100 per cent on the present prices It is quite true that a good deal of research work is being done regarding larger production of sugar, as far as our agriculture is concerned, and I understand that there is a committee sitting for the purpose of investigating how the production of sugar within India can be increased What I think is immediately necessary is assistance to the manufacturer of sugar in the direction of giving him more finance because during the last three or four years at least most of the sugar manufacturers of India have been working their factories at a loss I understand that a good deal of facility is required for better and economic transport of sugar-cane from the field to the nearest factory And I suggest to the Honourable the Finance Member that a part of the increased revenue which he will get from this source may usefully be employed in advances to sugar factory owners on terms which will give them real relief

I have, Sir, only one more remark to make, and that is regarding what fell from my Honourable friend, Mr Nilakantha Das, in connection with the Banking Enquiry Committee In the ordinary course, as an office-bearer of that Committee, it would not be right for me to refer to the work of that Committee, whilst the work of the Central Banking Enquiry Committee can be said to have not even yet commenced But my friend, Mr. Nilakantha Das, made some remarks in regard to the work of the Provincial Committees, and he particularly referred to the work of the Committee in his province of Bihar and Orissa I have had the opportunity of seeing the work of that Provincial Committee at comparatively close quarters, when I met the Chairman and the Secretary of that Committee at the Conference which was held in last January at Calcutta. I can assure my friend, Mr Nilakantha Das, that if any committee that has worked till now in any province is doing useful work, Mr Nilakantha Das can rest assured that the Provincial Committee he referred to, the Bihar and Orissa Committee, will turn out work which will merit the admiration of even Mr Nilakantha Das. I cannot help giving credit where, to my mind, it is due and even more than due The Provincial Committees have worked wholeheartedly and will present a picture of the

economic conditions in the various rural areas of the country in a manner which will be found to be most useful. I feel that I should be failing in my duty to these Committees if I do not make these remarks in view of what fell from Mr Nilakantha Das which is due more, I think, to want of knowledge of what they are doing than a genuine desire to criticise their methods of work

Mr. M. S. Aney: Sir, the first and uppermost thought that must have been present to the minds of all the Members of this House today is one of regret at the absence of the Leader of the Opposition, the Honourable Pandit Madan Mohan Malaviya at the discussion of the third reading of the Finance Bill, which has been a day of national indictment in which he has been taking a very prominent part every year In fact, it may be said that he has been the pioneer of the method of asking this House to reject the Finance Bill If, as you, Sir, once said in very felicitous terms, the credit of having the Finance Bill presented to this House by the Government was due to the anxiety of your illustrious predecessor to introduce the conventions of the British Parliament in this House, I may say the credit of creating an effective Parliamentary opposition to that Finance Bill is due to the Honourable Pandit Madan Mohan Malaviya, who, in the year 1924, had come out with the resolve of moving for the rejection of the Finance Bill And since that time, the third reading of the Finance Bill has become an annual national day of indictment of the Bureaucracy This has been the feature of the third reading of the Finance Bill and therefore, it is very natural that most of us, who have been used to hear the most eloquent and fervent appeals from him on those occasions should feel that today we are missing those eloquent and soul-stirring appeals

Sir, so far as the attitude of my party is concerned, it has been already declared by my Honourable friend, Mr C S Ranga Iyer We have decided not to support this Bill That is our attitude Even if we had gone further, as we had gone sometimes, it would have been perfectly justifiable What the implications of the motion for the rejection of, or opposition to, the Finance Bill are, have been, in a very learned and eloquent speech, described by my Honourable friend, Mr N. C Kelkar His learned dissertation on the constitutional aspect of this question, as the Honourable Members know, elicited a very friendly but a sarcastic retort from my Honourable friend, Sir George Schuster, that he would like to have some sort of teaching in his class

The Honourable Sir George Schuster: I assure my Honourable friend that I did not intend to be sarcastic I intended only to be friendly

Mr. M. S. Aney: I am very glad to hear it I thought he was sarcastic I am only sorry that my friend, Mr Kelkar, may not find the time to open a class for his benefit I would not therefore like to go into that question of the implications of an attitude of opposition to the Finance Bill. Sir, this Finance Bill, or rather the third reading of the Finance Bill, naturally opens up a field for discussion to which an individual Member will be unable to do justice within the limited time. My Honourable friend, Mr Amar Nath Dutt, has just now observed that, if one is allowed to have a full say on the subject before the House, even a year's time will not be sufficient Some may take it as extravagant, but there can be no question that any adequate discussion of all the questions opened is impossible for any individual Member within the limited time at our

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disposal Notwithstanding that, we have to summarise our observations in as brief a manner as possible so as not to be a bore to the other Members of this House and also to leave a reasonable margin to other Members for a proper share in the discussion in the course of this debate Therefore, I will not like to go into all the details of this administrative system and discuss them at length In fact, I shall try to limit my observations as far as possible to the Finance Bill and the Financial problems or the administrative questions that are closely allied to the proposals in the Finance Bill.

Sir, the present Finance Bill appears to be a Bill of a most challenging nature I will explain what I mean In the first place, this Bill is not like an ordinary Finance Bill which we have been used to, by which the Government generally come forward and ask us for supplies on the basis of taxation already existing for a long time This is a Finance Bill in which the Honourable the Finance Member, for reasons of financial exigencies, which he has explained in his budget speech, comes forward with proposals of fresh taxation to the tune of nearly five crores and a half. This means, in the first place, that he thinks that, notwithstanding the cry regarding the impoverished condition of the people of this country, it is possible for him to recover from the people of this country 5½ crores without causing any inconvenience or without causing any material distress That is the implication of a Bill like this Secondly, it also means, notwithstanding the cry of the people that they are not in a mood to co-operate with this Government, there is a spirit of co-operation on which the Finance Member can easily rely for the recovery of this money These are the two implications in the Bill In fact, my Honourable friend, Sir George Schuster, in the course of the budget speech, casually referred to a passage in the speech of my Honourable friend, Mr N C Kelkar, made one year ago, in which he observed that the spirit of co-operation was dead partly due to the action of the Government, and so on The Honourable the Finance Member controverts the allegation and asserts that he has got abundant proof of the spirit of co-operation in this country I believe that the course of events which have been and are being enacted before our eyes during this fortnight, references to which are being made in bold type in the newspapers, must have disclosed to him certain grounds to revise his opinion That is what I feel More than that, I would not like to refer to that matter at this stage I am sure he is a very shrewd and careful reader of the newspapers, and clever enough to draw proper inferences from the events which he reads. And I am confident that the course of events which are now being reported every day could not have altogether failed to make an impression on him, and he would find therein abundant reason to revise his opinion about the existence of the spirit of co-operation in the country I say further, whatever little spirit of co-operation there might have been in this country at the time when he presented his budget proposals and introduced his Finance Bill, after the presentation of the Budget and because of the proposals in the Finance Bill itself, that little spirit of co-operation must have become dormant if it has not altogether been killed, and in its place another spirit, a spirit of anti-co-operation or non-co-operation must have been awakened by the striking things that are taking place outside. That is the position today. We are considering this Bill in the midst of circumstances of this nature the gravity of which it is for the Treasury Benches to realise fully before they mean to give a fair trial to the various proposals of taxation that

have been incorporated here Sir, when I say this, I mean that the Members on the Treasury Benches should make themselves sure of the existence of that abundant spirit of co-operation a belief in which was responsible for the numerous proposals of taxation which my Honourable friend has incorporated in the Finance Bill that he has presented to this House That hallucination is the basic fact on which he has built up and worked out his proposals Then he has appealed to us for sympathetic consideration solely relying upon this assumption of the spirit of co-operation, which, I say, is not a fact, but only a fiction Even if it was a fact, then I assert that the little spirit has been completely washed away by the flood of repressive methods which the Government have since adopted It is after that he has appealed to us saying that it is on financial consideration alone that he has found it necessary to approach this House to approve his taxation proposals He is asking us to give supplies, not only the ordinary supplies that he can get under the existing scale of taxation, but additional supplies to the extent of something like Rs 5½ crores according to the new scheme of taxation proposed in the Bill The reason he has given is that the expenditure has now arrived at a stage which cannot be balanced on the present level of our receipts What he means by balancing the Budget is this our receipts are stabilised, expenditure has grown up which cannot be curtailed, and therefore some more sources of income must be explored, and these are the sources which the Finance Member says he could tap That is the meaning of the taxation proposals which he has placed before the House Now in the first place, he has made a fervent appeal to the House in his speech calling upon the Members to give him all the assistance they can in scrutinising very carefully the items of expenditure and suggesting means of economy He particularly referred, when he was dealing with his Budget, to the question of expenditure under civil administration and said that here was something which the Honourable Members of this House should carefully scrutinise and make such suggestions as they can

Now, Sir, my grievance against the Finance Member is this. Before he made this appeal, he should not have committed himself to certain and fixed positions My grievance is that, so long as a highly paid foreign Bureaucracy is considered as indispensable for the administration of the country in all Departments and so long as the maintenance of a foreign army of occupation is deemed indispensable and always maintained on a war footing, it is difficult for Members on this side to suggest adequate and effective remedies of economy and retrenchment That is indeed a very difficult handicap on the critics, but I am prepared to go with him to examine the position of expenditure under Civil Administration itself, because that is the one point on which he laid great emphasis in his speech I would only draw his attention to this fact as to what is the position of expenditure under Civil Administration itself during the last few years I will take the figures of net expenditure given in Appendix I to the Explanatory Memorandum which he has supplied, along with the budget papers Honourable Members on this side of the House will find that this expenditure under Civil Administration has risen from the year 1923-24, from 8 crores 65 lakhs to the year 1928-29, which is the last year for which we have accounts available, to 10 crores 48 lakhs in the revised estimates and in the Budget of 1930-31, the figure is 12 crores 20 lakhs That is the position. Of course in the speech the Honourable the Finance Member has tried to give some explanation about the increase of expenditure over the revised for the current year. He has given certain

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reasons, but he has asked the attention of this House to be concentrated upon certain items which are mainly responsible for the increase of expenditure under this heading over the revised estimates for the current year I will deal with the latter if I think it necessary at a later stage of my speech What I think necessary is to point out that, from the year 1923-24 to the year 1930-31, we find the amount increasing to 12 crores 30 lakhs from 8 crores 65 lakhs; that is, an increase of 3 crores and 65 lakhs in this one item of expenditure alone

Now let us see what the position of revenue is during these years Under receipts—the figures of net receipts which are given here—I take the same set of years for comparison—the position as regards net revenue is like this For the year 1923-24 the net revenue was 85 crores 65 lakhs, and in the account year 1928-29 it was 82 crores 70 lakhs I would ask Honourable Members to bear in mind that, during all these five or six years, we find only two years in which the position under net receipts has improved, but in all the remaining years it has been a position of gradually reducing receipts That is the position we find here Well, during those years, while there was gradual reduction in the receipts, we find the expenditure under this one head increasing to the extent of more than three crores and a half Now, Sir, I am not inclined to go into the figures of total expenditure for these years, simply because, under certain arrangements, my Honourable friend the Finance Member is already committed in regard to military expenditure up to the year 1932-33, since he has committed himself to that position it is useless for me to go into that position or to say how the military expenditure could be managed with a less amount This question was alluded to last year in a speech which I made in support of the cut motion on Military demand moved by the Independent Party What I want particularly to draw the attention of this House to is this Is the increase accounted for solely on the ground that Government have found it necessary to spend all this money on the nation building departments and thus increase the expenditure under Civil Administration? Any rise in expenditure under Civil Administration could be tolerated by this part of the House only if we found that that increase was mainly due to increased expenditure on what may be described as nation building departments Now, Sir, for that purpose, I shall draw the attention of the Honourable the Finance Member to certain figures This expenditure on Civil Administration, according to the budget papers, is made up of more than seven or eight items mentioned in the Budget itself If we analyse the figures for these items, Honourable Members will find that the expenditure for the Frontier Watch and Ward is included in the expenditure under Civil Administration Now, for the sake of getting all the figures of expenditure under Frontier Watch and Ward, Honourable Members will have to run over a number of Demands contained in the big volume, it is not found in one place at all There is one non-votable item, Frontier Watch and Ward Besides that demand, this expenditure under Frontier Watch and Ward is to be found distributed under North West Frontier Province and Baluchistan and other frontier provinces, and so on. When all these figures are grouped together, I find the position is like this, that this expenditure in the budget year 1930-31, which has been provided for is Rs 2,78,88,000. That is the position. It was Rs 2,54,37,000 last year. There is an increase of 24 lakhs in this one item of expenditure alone during this year. Then there is another Demand in which we find an increase That is the Political Department. I know

there is something said in justification of the increase in the Standing Finance Committee's proceedings about this expenditure, but I am concerned at present in bringing to the notice of this House the increase in the expenditure under Political Department Now the amount shown in the budget proposals is Rs 1,74,90,000, while the revised estimates were Rs. 1,58,71,000 in the Political Department Then there is Aviation where Rs 31,78,000 have been provided for, while for the same Department last year the provision was only Rs 5,37,000,—there is an increase of Rs 26,39,000 under this head Now, all these expenses put together would by themselves amount to not less than Rs 65 lakhs, while the increase in the total expenditure on what can properly be described as national-building departments, such as Education, Medicine, Public Health, Agriculture, Industries, and so on, has not been more than Rs 20 lakhs This is the very first test by which we can scrutinise the figures for all the five years which I have mentioned and if I had the time I would have scrutinised the figures to prove that the expenditure on the nation-building departments has during this whole period been very meagre The Government of India has been very miserly in allotting sums for the nation building department, while during the same period there has been an extravagant increase in all the other departments under civil administration such as the Frontier Watch and Ward, and so on Notwithstanding some disturbance in Afghanistan which brought about a change of sovereigns, the conditions on the frontier are normal, and it is on that ground I believe that our Honourable friend Sir Abdul Qaiyum suggested that this was the proper time for the introduction of reforms in the North West Frontier Province That being the case, we should like to know, no explanation having been supplied to us either in the Explanatory Memorandum or in the speech of the Finance Member, as to why expenditure under these heads has been mounting up in this manner. Or is it that the reduction which is alleged to be made in the military expenditure in certain minor details had to be compensated for by an increase in the name of watch and ward by creating another civil army on the frontier? What is the real position? So, Sir, so far as the expenditure of the civil administration itself is concerned, there is considerable room for retrenchment, and that is the main point which I want to bring out

After that I shall proceed to deal with another point of great importance Honourable Members will find—of course that is a point which has been worn out in this House—that the total expenditure of the Government of India—I am only speaking about the Central Government—comes to about 134 crores That is put down at this figure in the Budget, and what is the total amount that is presented to the vote of this House? It is only 40 crores and odd Out of a total expenditure which they mean to incur during the year to the extent of 134 crores according to their own statements, which are presented to us, this House is entitled to vote on an expenditure of only 40 crores Similarly if you take the receipts side, what is the exact ratio which is being recovered by way of taxes on the vote of this House?, All the amount that is covered by the Finance Bill is the only amount which is recovered by the Government with the consent of this House, and the remaining receipts, which they can recover on the strength of the executive power which they have got, are still there. Even as things as they are, the total amount they recover will come to much more than what is stated in the Budget For example, in the Railway Department itself, they get revenue to the extent of something like 180 crores; and of this, after making the necessary deductions, only a part is brought

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down by way of contribution and net receipts to the general receipts of the Government of India So out of the amount realised by the Government in the form of taxes, either direct or indirect, only an infinitesimally small fraction is placed before the House in the form of this Finance Bill and they say, "We have come before you for supplies" I am perfectly sure the Government of India know that not only can they get these supplies, even if the House does not vote for them, but they have got other ways also of getting the major portion of their supplies without the vote of this House So long as the position is what it is, my friend Mr Kelkar was perfectly justified in saying that the presentation of the Budget as well as the presentation of the Finance Bill is more or less a formal affair, and if that is a formal affair, our opposition to it is also a formal affair If that is a solemn affair, then our opposition to it is also solemn and sincere Sir, this House has been crying to get a right of voting on every pie which the Government of India want to recover by means of taxes and spend in this country So long as that right is not conceded to us, this House has got a right to record its protest in the only constitutional manner in which it can do so This year we have decided, Sir, not to support the Finance Bill, and we want the Government to get it passed on their own strength and on the strength of the votes of the official block as well as of such others as are enamoured of this Bill

(At this stage Mr President vacated the Chair which was taken by Mr Deputy President)

Then, Sir, the last point which I wish to deal with is this When the Government of India are proceeding to recover such a huge amount by way of heavy taxes, I want them to understand that the people are not in a mood to pay such heavy taxes, and the recovery of those taxes will cause a ferment in the country, it will cause trouble which may add to the tumult and turmoil already created by so great a man as Mahatma Gandhi Your taxation proposals will go to aggravate the situation, rather than bring some relief to the people I have already referred to that point more than once in the course of my speeches in this House, but the point is of such great importance that it deserves to be repeated more than once I repeat that the Government of India should have been very cautious in framing their taxation proposals this year, particularly when they had sufficient notice that a huge campaign of no-tax was going to be launched They thought that the promise which they had held out of summoning a Round Table Conference would bring about a complete change of mentality; they thought that it would be a temptation enough to drown the spirit of the people and wean them up from the campaign, to which an impulse has been given by so great a personality as Mahatma Gandhi I may tell the Government that there are people, and a very large section too, who sincerely feel that Mahatmaji's campaign should prove a success, and if the Government of India do not take to counsels given by very responsible Members and mend their ways in time, I may tell them, notwithstanding their genuine desire to bring about a Round Table Conference to discuss the future constitution, and notwithstanding the honest desire of a certain section of the public to reciprocate in the belief of getting Dominion Status, the whole thing might turn out to be a grand fiasco to the standing discredit of the Government of India and to the entire discomfiture and unutterable woe and distress of the poor tax-ridden and miserable masses of the country In these circumstances, Sir, I am unable to support the Finance Bill which is before us now.

Sir Darcy Lindsay (Bengal European) I move, Sir, that the question be now put

Dr. Ziauddin Ahmad: Sir, I am not in favour of paralysing the Government, but I have got very genuine grievances against the Government, and I see no alternative but to oppose the present Finance Bill as this is the only method by which I can express my feelings against the Government Sir, one gentleman the other day remarked that the Finance Member was a heartless being But to my mind a Finance Member is not void of heart, but he has got two hearts, one of them begins to operate when he looks into the expenditure side, and the other begins to operate when he considers the income side and begins to search the pockets of others It is just what we find in this Bill I appealed several times to the Finance Member to provide some money for enforcing primary education in the country This has been before the Assembly and before the Imperial Council from 1911, but the Government have not given serious attention to the matter I expected that either the silver or the sugar duty would be ear-marked for the expansion of primary education throughout British India and the money ear-marked for primary education should be given to various provinces according to their requirements

The second thing about which I appealed several times, but about which I had no response from the Government, is about the change of policy in education One may say that education is a transferred subject and that the Government of India have nothing to do with it No doubt the detailed administration is under the provinces, but the general educational policy, I maintain, is and should be in the hands of the Government of India, in the same manner as the agricultural policy is in the hands of the Government of India

The third grievance about which I have to speak is about the Sarda Act Some people argue that we Mussalmans on this side of the House are in favour of early marriages That is not the case It is the other way round The Muhammadans never had the practice of early marriages The important point on which they lay great stress is that the Government have begun to interfere with our Shariat, and that is the point on which we are going to oppose it It is rather unfortunate that the Government did not have the correct opinion about the feelings of the Muhammadans on this particular point, and it is becoming more and more apparent that the Muhammadans will on no ground tolerate any kind of interference in religious matters Some people ask, "Why are you opposing the Bill when it is not against the Shariat" In reply I relate a story A fowl died in the house of a person and he began to cry and weep When persons in the neighbourhood asked him why he was making such a great howl in regard to such a tiny matter, he said "The Angel Israel has seen my house and I do not know what may happen tomorrow" We oppose this because of a feeling in our mind that we do not know what may happen tomorrow It is this feeling which urges the Mussalmans to oppose the Bill tooth and nail We have got the example of the Cawnpore mosque People at that time said that it was a small matter, why did we make all this trouble about the mosque Had it not occurred, most of the mosques in New Delhi would have disappeared.

Sir, the next point I should like to take up is the Skeen Committee I hope I am not revealing any of the secrets of the Committee when I say that certain Members in that Committee wanted to go much further

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than the recommendations of that Committee, but they withdrew their liberal recommendations simply on the ground that they should present a unanimous Report, as the chances of its acceptance would then be more promising Had they known beforehand that Government would not take any note even of the unanimous recommendations of the Committee, which was presided over by no less a person than Sir Andrew Skeen, but would shelve the Report, many Members would have written a Minority Report Some persons said that most of the recommendations of the Skeen Committee have been given effect to I have read these recommendations once again, and I find that nearly all these recommendations are still in abeyance, and it is surprising that these recommendations, which were unanimous and which had been repeatedly demanded by this Assembly, have not yet been given effect to

The next thing on which I have a grievance is the reform for the Frontier Province We carried this particular question without a division, and I am sure that my Honourable friend Nawab Sir Abdul Qaiyum will never get his reforms by always voting with the Government There may be a chance of getting them by opposition to the Government

The next point is the protective duties There are two ways by which one can exercise protection One is that we impose heavy duties on our imports The second thing, which is equally important, is to encourage the home industry by giving it some kind of bounty Taking the case of sugar which has been very much discussed, it is not enough for the encouragement of the sugar industry if we impose duty on Java sugar It is equally important that we must subsidise the cultivation of sugar-cane in various provinces If the sugar-cane cultivators are helped, either in the shape of remission of revenues or in cash then the sugar crop will grow and the sugar industry will develop in various provinces

I should also like to draw the attention of the Assembly to the exchange ratio of 1*s* 6*d* This is not the time to raise that particular question, but the finances of India will be relieved if the Government of India reduced the ratio to 1*s* 4*d*.

It is rather unfortunate that one speaker has drawn the attention of the Assembly to the work done by Sir Muhammad Habibullah I think he has done a great disservice to Sir Muhammad Habibullah by repeating these facts this morning He would probably be nearer the truth if he had substituted, for the words "Sir Muhammad Habibullah" the words "Mr Bajpai"

Mr. K. C. Roy: On a point of order. May I say that not a word was meant or even implied against Sir Muhammad Habibullah?

Mr. Deputy President: That is not a point of order, Mr Roy

Mr. K. C. Roy: I know some of the rules of the House

Dr. Ziauddin Ahmad: I want to leave it at this point I leave it to the mathematical Members of this Assembly to draw mathematical equations from it

Nawab Sir Sahibzada Abdul Qaiyum (North-West Frontier Province: Nominated Non-Official) What is the formula?

Dr. Ziauddin Ahmad: Let us discuss it outside

I next want to draw the attention of the Government to the communal fights which are going on between the Hindus and Muhammadans. I took the opportunity to examine some of them, and I discovered that, in a majority of cases, the Government officials were in the wrong (Hear, hear) Had the Government officials taken the right action at the right moment, then most of the troubles would have been avoided I wish therefore that, whenever these troubles occur, we should not only bring the Hindu and the Muhammadan culprits before the Court, but some kind of tribunal may be appointed to consider the conduct of the Government officials who will be found to be in the wrong, and if Government officials also are brought to task, then most of the communal troubles, which we hear so much will disappear

Sir, the next point that I wish to draw attention to is the repeated recommendations made by my Honourable friend Mr Gaya Prasad Singh about income-tax I think he has drawn a very good illustration that, if the income of a person is Rs 1,999, he has to pay no tax, but the moment his pay is increased by Re 1 to Rs 2,000, he has not only to pay income-tax on the increase of Re 1, but also on the entire amount of Rs 2,000, which is unjust and I hope the Honourable the Finance Member will look into this matter

Nawab Sir Sahibzada Abdul Qaiyum: How does that compare with land revenue?

Dr. Ziauddin Ahmad: The point I wish to bring to the notice of the Government is that if the income is raised beyond a certain amount, then the tax should be levied on the increased amount and not on the entire income

Mian Mohammad Shah Nawaz: What about land revenue?

Dr. Ziauddin Ahmad: This point I would leave to my Honourable friend to develop

Now, I come to the Round Table Conference, which has been so much talked about Sir, there have been different ways of expressing loyalty to the Government at different times, and now the way in which we express loyalty in these days is (1) that we should have full Dominion Status and (2) we thank His Excellency the Viceroy for having invited this Round Table Conference These are the two formulae by means of which we express our loyalty to the Government Let me examine rather more closely this proposal of Round Table Conference First, I take up the Muhammadans The Muhammadans no doubt have represented their views before the Simon Commission and they stated all they had to say And whenever they go to the Round Table Conference, the Muhammadans would only say that they have already said it They may further paraphrase the memorandum which was presented to Sir John Simon and also paraphrase the famous Minute of Dissent of Dr Suhrawardy, which somehow, in spite of repeated requests and questions to the Honourable the Home Member, has not seen the light of day and no reply is forthcoming But still as far as the Muhammadans are concerned, they will only repeat what they had already said

Now, as regards the other side, there is a very substantial opinion not only shared by persons labelled as extremists, but also by moderates They say that the solution for India's problems lies in India and not in England This is the opinion expressed to me by Mr Manchurji Bhownagari when

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I met him in London in 1928 He said "Why do you bring so many deputations to this country?" From his long experience of Indian politics, he was of opinion that India's solution lay in India itself and not in England

Lieut-Colonel H. A. J. Gidney (Nominated Anglo-Indians) That was two years ago

Dr. Ziauddin Ahmad: I suppose the opinion, which he expressed two years ago, will prove more important after the experience of the last two years Now the only persons who should be very pleased are those who were tired of the agitation against the Simon Commission and who found a way to come out of it These are the only persons who ought to be very thankful to the Government and proud of this new situation At any rate, as far as the Muhammadans are concerned, we will never oppose a movement of this kind We will always co-operate with the Government, we will co operate with the All Parties Conference, we will co-operate with every section of the Indian community, and we will lay our just and genuine demands before them, and try to work out a future constitution for India, which may best suit the people, and a constitution which may benefit not one particular section, but may benefit every section of the people residing in this land

Mr. Anwar-ul-Azim (Chittagong Division Muhammadan Rural) I am grateful to you, Sir, for giving me this opportunity to take part in the debate and make a few remarks here in this connection I will not follow the examples of my Honourable friends who have indulged in diatribes of various kinds and sorts about the ills with which the Govern ment of India are afflicted, but I should confine my observations to one or two matters which have fallen from some of the previous speakers This morning our Honourable friend, who represents the Rohilkund and Kumaon Divisions Non-Muslim constituency in this House, while talking about delivering the goods in connection with Round Table Conference, referred to Mr Gandhi as the person who can do it, but, Sir, I have my own doubts about it Mr Gandhi is a very great man, perhaps one of the greatest Indians living in our time, and there are lots of people who are of his way of thinking Mr Ranga Iyer opined that Mr Gandhi alone would be able to deliver the goods at the Round Table Conference to the British people I have great doubts about it myself, because, knowing as I do most of the people living here, especially the Muslims, I must say honestly that it will not be possible for Mr Gandhi to deliver our goods because his creed is different from ours If the Gov-ernment have wisdom in selecting our people to represent our story before the Round Table Conference, they will select noblemen like Mr Jinnah and Nawab Sir S Abdul Qaiyum Khan of the Frontier Province

Pandit Nilakantha Das: Do you represent all the Mussalmans in India?

Mr. Anwar-ul-Azim: Yes, I voice their sentiment here I have the support of the Muslim League behind me

Lieut.-Colonel H. A. J. Gidney: Do you include all the minorities?

Mr. Anwar-ul-Azim: In India there are two classes alone Muslims and Non-Muslims Sir, there is one other matter, rather disconnected with

the purpose of this proposal, and that is the much maligned reformed constitution which has been allowed to work here in this country from 1921. I find, Sir, some, not excepting even responsible men like Mr Kelkar, committing this folly They are here as the result of that constitution of 1920 They are here as a result of that open-mindedness, if I may call it so, of the British public and they are here in this House as a result of the constitution that was evolved by the genius of the late Mr Montagu and Lord Chelmsford But what do they do here? In season and out of season, we hear condemnation of this constitution May I pertinently ask my Honourable friends, who have come into this House by that constitution, how they can decry the very constitution which has enabled them to come here, and why, in spite of their decrying it here in season and out of season, the very constitution is growing strong and that with the help of Swarajists and Nationalists?

Mr. N. C. Kelkar (Bombay Central Division Non-Muhammadan Rural) Is the Honourable Member himself satisfied with the present constitution?

Nawab Sir Sahibzada Abdul Qaiyum: It is the constitution under which you have come to this House

Mr Anwar-ul-Azim: Now, Sir, I have no quarrel with anybody, least of all with a man in the position of Mr Kelkar, because of all the people to my right, I think the Responsivist Group have got some vision of judgment in them That, however, is by the way

5 P M

Last year when I was talking on the third reading of the Finance Bill, the Honourable the Finance Member found fault with me, because I dilated a little on the ancient history of the Moghuls I said that it was the Moghuls who had granted trade facilities to the forerunners of the Honourable the Finance Member here in this country, the East India Company, and as a result of those facilities, were able to kill the Portuguese and Dutch trade in the Gulf of Martaban My only purpose was to remind Government that, perhaps at one time they were given good treatment by our forefathers and now, when we are fallen on evil days, perhaps the old associations and old memories might help them to come to our just aid and assistance I remember that immediately after me, a sigh of relief was heaved by my friend Mr K C Neogy who said that we were now relieved of this old story and we might go for a second to the Finance Bill If Mr Neogy was actually an impartial critic he would surely have taken exception to our friends on my right who last year and this year have been indulging in things which are not connected with the Finance Bill This afternoon Sir, you will remember that some flings were made at our expense by the Honourable Member from Burdwan I do not think I can go down to his level of abuse, and I think it will be better if I leave him severely alone at that stage My purpose is this, it is not that we cry for the moon, it is not that we want anything at the expense of others. What we cry for is this, that our just and legitimate demands in all spheres should be respected and considered

Now, Sir, coming to the Bill itself, I might pertinently make one observation with regard to the items which form part of it From the very lucid statement which has been put forward for our consideration by the Honourable the Finance Member, it appears, on the face of it, that perhaps the proposed taxation demanded by him are for purposes for which we have all been clamouring On a reference to paragraphs 88—89

[Mr Anwar-ul-Azim]

onwards, you will find that he has distinctly stated that, out of the revenue that will be accumulated, he expects some surpluses which will be utilised for the coming reforms My friends on my right have observed that, even they can read between the lines of what the Finance Member said in his budget speech If these paragraphs are taken impartially, they can easily see that some sort of change is coming on in the administration of the provinces, and for that purpose, some amount of money will be needed If we cry for being Ministers and Executive Councillors on the one hand, and at the same time decry Government with reasons, plausible or otherwise, I do not see how we can call ourselves consistent Because you know that we cannot possibly have the cake and eat it at the same time If you mean to follow the example of England here, you must pay for it You could not possibly have a panchayat or *baitakkhana* gossip and run the whole administration on those lines So I say that some of the items of taxation, which have been put forward in the Finance Bill, are justifiable

I would like to refer to one other matter and that is in connection with one or two remarks which fell from the Honourable the Finance Member in reply to the speeches made during the budget discussion Referring to the members of the Standing Finance Committee, he said that gentlemen who form the personnel of that Committee should be rather intelligent exponents of the case of Government so far as the financial side is concerned I think it is a very legitimate demand on his part to make of those Members who are on the Finance Committee So far as that Committee is concerned, I do not know much I am sure quite a lot of intelligent gentlemen have been sitting on that Committee, and I am sure they try their level best to grasp the things put before them But it seems to me that there is some sort of a hide-and-seek policy so far as the formation of these Committees is concerned If you analyse the past history of the formation of the Railway Finance Committee, you will find that there are many gentlemen who are not only not conversant with the railway side of finance, but are absolutely innocent of any ability to take any part in the proceedings That is the state of affairs in some of the committees which are formed, and I am sure I need not say very much so far as the selections to other Committees are concerned They show such a lack of imagination What about the Banking Enquiry Committee, and others of that kind? In the budget speech of the Finance Member he has very eloquently pleaded the cause of the provinces and also for their agricultural populations He says that, for agricultural development lots of things are necessary and they will require lots of money May I not pertinently ask him whether it should not form a very important matter for discussion whether these provinces should be given some power of original taxation and not rely for the success of their administration on the good graces of the Government of India?

Last of all, I agree with the Deputy President with regard to our general story in all its bearings and spheres It seems to me that, unless certain cases are threshed out here on the floor of the House they do not generally draw the attention of the Government of India I for one should have thought that, if the Government of India, as such, meant business, then they out of their own initiative, would have looked to things which were likely to be beneficial to all and not have created this annual discussion which sometimes causes acrimony. I do not think, Sir, I shall be justified

in taking any more time, except that I reiterate what I have said on other occasions on the floor of the House, on the cut motion of Mr. Kelkar and on the Demands for Grants Last of all, I wish to say, without showing any disrespect to you, Sir I think you were rather hard, while talking this morning, about a Muhammadan gentleman whose name was not mentioned (*An Honourable Member* "Nameless") Yes, but of course he has been found out and he is practically nearing the time to retire and I do not think we shall be right just to let him have an impression that we did not wish him well at the time of retirement One other matter, which is absolutely personal, but I should like to mention it So far as Mr K C Roy is concerned he is a distinguished Honourable colleague of ours.

Mr. Deputy President: Nothing about Mr K C Roy Personalities are not to be discussed here

Mr. Anwar-ul-Azim: With these words I close my speech

Mr. Fazal Ibrahim Rahimtulla (Bombay Central Division Muhammadan Rural) Sir, I desire to make a few observations though at this late hour My reason is that the debate, as I understand, has been wrongly conducted for this reason, that it would be showing a great deal of irresponsibility if we, at this juncture, reject the Finance Bill The occasion which is given to us should be utilised, to my mind, for two purposes One is honest criticism of the Government's work during the past year, and the other is useful suggestions for the future If we can satisfy these two heads during this debate, I think the Honourable the Finance Member and Members of Government would feel very grateful

Sir I would like to mention as regards the first point, that we have, according to my calculation, given more to the Finance Member than what he has actually asked in the shape of taxation First of all, one point will make this clear, namely an additional duty proposed by Sir Purshotamdas Thakurdas, from 30 to 38 per cent on silver thread, silver wire, etc , will certainly give the Finance Member an additional income I therefore think, Sir, that I should draw the attention of the Honourable the Finance Member to this, that if there is surplus, he should not allow other departments as it has been the case in the past, to run extravagant expenditure because there is a surplus and they can spend it in any way they like The Finance Member has, in his budget speech, on page 50, from paragraph 77 onwards, traced the whole of the present situation regarding the need for taxation, regarding the retrenchment in expenditure and the future outlook in the country, and I, Sir, having regard to his statement, will not allow a single pie to be spent more than what is absolutely necessary Now, as regards the one point on which I think the Honourable Members here are feeling very dissatisfied, namely the consultation with party leaders, I think I am voicing the opinion of my Honourable friends here when I say that the system which is adopted by the Government of consultation with leaders is a system which has not met with the approval of many Members of this House (Hear, hear.) Whilst they do not wish to discourage the policy of consulting with leaders, they must make it clear that leaders should not be made to keep strict secrecy about these matters and that they should be allowed to consult their followers. If they would do that, much of the criticism would undoubtedly disappear.

[Mr. Fazal Ibrahim Rahimtulla]

The second point is that the large number of Members in this House at present do not belong to any party whatsoever Then do I understand that Government desire to deliberately exclude these people from consultation? Or do I draw the inference that, by this system, they want to force every individual from belonging to one party or the other? I hope, Sir, that the Government will consider this aspect of the question, that whilst I have no objection to Government consulting the party leaders in arriving at a settlement satisfactory to every one, they will see that a grievance of this character should never be allowed to remain amongst the Members of this House

Sir I would like to congratulate my Honourable friend Mr Ranga Iyer, on his very able and brilliant speech this morning I think, Sir, there is one point to which I take exception in his speech In his enthusiasm he has told this House that it is only Mahatma Gandhi who can deliver the goods on behalf of India Whilst I have very great reverence for Mahatma Gandhi and I do not wish to say anything which would directly or indirectly reflect on him I must say, Sir, that at this juncture, at any rate, he does not enjoy the confidence of the Mussalmans of India I hope, Sir, that whilst he is concentrating his efforts on the question of civil disobedience, and on the question of forcing Government's hands, he will concentrate on winning the goodwill and co operation of all the minorities in India If he were to go from here as the ambassador of India all by himself, with the goodwill and co-operation of all minorities, I have no doubt that with the ability and respect that he commands throughout this country and other countries, he would be able to secure for us a great deal more than any individual who went either in his individual capacity, representative capacity or collective capacity to the Round Table Conference (Hear hear)

(At this stage Mr President resumed the Chair)

Sir, a great deal has been made out about the Round Table Conference I have seen people holding out threats that if such and such a condition is not fulfilled, if such and such a thing does not happen, they will not go to the Round Table Conference I want to say very clearly that Indians would commit a great blunder in their life if they do not go to the Round Table Conference unconditionally

Mr. President: Without invitation?

Mr. Fazal Ibrahim Rahimtulla: We will be invited at least that is my information I would like to point out that we have times out of number in this House, said that the present Government are an irresponsible Government We have times out of number pointed out that there are grievances of ours which the Cabinet Members either are not in a position to remedy or are prevented from remedying by persons who are not in India but who practically rule the Cabinet of India from England I therefore think, Sir, that this is an occasion which should be utilised by every Indian for putting forward our views jointly, unitedly and with one voice, if we wish to secure an honourable place for India within the Empire

Sir, there is one point which my Honourable friend, Maulvi Muhammad Yakub, touched this morning, and it was regarding the services I should like to mention Sir, in short, that our grievances in this matter are these

that whilst Government have given us pledges—and one of these pledges was read out by Maulvi Muhammad Yakub as given by His Excellency Lord Reading, the *ex*-Viceroy of India, that, when there are vacancies, one-third of them should be allotted to the minority communities in India. I think in the case of Mussalmans that is a very wrong thing to do The point that I wish to make is that every vacancy should be filled by the minorities until one-third of the total number in the services is filled by the minority communities in all the Departments of Government That is the point at issue If you go on filling one-third of the vacancies as they occur by the minority communities, you will never be able to satisfy all the minorities, and specially the Mussalmans of India

Mr. President: Is the Honourable Member not satisfied with Lord Reading's pledge?

Mr. Fazal Ibrahim Rahimtulla: That pledge, as I read it, does not say one third of the vacancies occurring, but one-third of the total number—employed in all the Departments Another point, Sir, is this—and I think I am voicing the opinion of the minorities here—that the system of examinations that has been introduced in the Departments is merely a farce, it is a device which is deliberately made as an obstruction to the minorities getting employment in the Government Departments and to stifle public agitation Government should lay down the minimum qualifications required, without any system of examinations, and they should also recognise the degrees of the Universities in this country If they adopt this system, many of the grievances now prevailing would to my mind disappear

Pandit Nilakantha Das: My friend proposes abolishing examination in recruitment But what will happen if there are more than the required number of candidates even from the minority community?

Mr. Fazal Ibrahim Rahimtulla: We have more than the number required Sir another point that I wish to make is that Government should by no means adopt a policy of repression This policy, instead of keeping the country quiet, will make the country greatly agitated, and the remedy will be worse than the disease The only point, to my mind, on which the Government should concentrate their attention is the question of poverty and unemployment in India They have, I am glad to say, brought forward a measure, namely, the Textile Protection Bill, which will secure employment for a large number of Indians in this country (*Several Honourable Members* "Question") I do not wish to reply to my friends Mr Das and Mr Ghuznavi because I reserve my speech on this point for a later occasion when we shall be discussing the Indian Tariff Bill At that stage my friend Mr Ghuznavi who has traced the history of the cotton industry in India, will have to hear something from me, but I do not wish to take up the time of this House at this juncture in discussing the Bill which is coming in a separate form and which is going to be debated on its own merits

Mr. A. H. Ghuznavi (Dacca Division Muhammadan Rural) Why do you refer to it then?

Mr. Fazal Ibrahim Rahimtulla: I refer to it because it gives employment without allowing the textile industry to be ruined

Mr. A. H. Ghuznavi: Question

Mr. Fazal Ibrahim Rahimtulla: What is the use of questioning without telling us how you question It is no use saying simply 'question' and sitting with folded hands If Mr Ghuznavi is able to prove that without special protection he will be able to save the industry, I myself will have nothing to complain

Mr. A. H. Ghuznavi: Even after getting protection you will not be able to save the industry

Mr. Fazal Ibrahim Rahimtulla: My Honourable friend's case is peculiar He has got some grievance, centuries old regarding the Bombay mills, and he does not deal with the reality of the situation, and unless he comes to the realities of the situation and leaves his grievances of 1905 aside, I do not think he will be in a position to tackle the merits of the Bill which is coming before this House shortly Sir, I do not wish to take up the time of this House any longer I again repeat we would be committing a great mistake if we reject the Finance Bill

(Mr Mukhtar Singh rose in his place)

Mr. President: Does the Honourable Member from Meerut wish to speak?

Mr. Mukhtar Singh: Yes, Sir

Mr. President: How many minutes does the Honourable Member want to take?

Mr. Mukhtar Singh: One hour, Sir

Mr. President: I am sorry I cannot give the Honourable Member one hour

Several Honourable Members: The question may be now put

Mr. Mukhtar Singh: I will finish in 45 minutes, Sir

Honourable Members: The question may be now put

Mr. President: If the Honourable Member wishes to speak for fifteen minutes, I will allow him to do so

Honourable Members: The question may be now put

Mr. Mukhtar Singh: I will finish within fifteen minutes, Sir

Mr. President: The Honourable Member cannot finish within fifteen minutes Mr Navalrai

Mr. Lalchand Navalrai (Sind. Non-Muhammadan Rural) Sir, in not supporting this Bill, I would like to draw the attention of the House to one or two policies of the Government I will refer to the salt tax first With regard to the salt tax, there has been a very grave, I shall say, the greatest resentment in the country. It has led to civil disobedience by Mahatma Gandhi I would therefore not say anything more with regard to that But I would draw the attention of the Honourable the Finance Member to a definite question with regard to the grievance of the fisherfolk belonging to the Districts of Malabar and South Canara Sir, these

fishermen are on the coast and they have been making their living on fish. That fish is being salted, i e., being cured with salt earth gathered from low lying saline fields There was no salt tax in this, and these people used to cure their fish without any payment of tax. When the salt tax was introduced, these men also became affected by it; so they agitated and showed their discontent, and the result was that a yard system was created for supplying salt gratis to these people to cure their fish within these yards Now, Sir, this did not come to the help of all the fishermen on the coast, it benefited only those who live near by these yards They only could get their fish cured there but since then, they have been deprived of even that convenience by the management of the yards being transferred to the Madras Government, who do not care to take a sufficient interest in these yards Now, with regard to this, Sir, as there is not much time at this hour of the day, I would only say that this question of the grievance of these fishermen has been hanging fire since a very long time The policy of the Government has always been to redress even an admitted grievance only when it is too late Now, this has been pending since a very long time Regarding it, the Honourable Mr Ramadas Pantulu moved a Resolution in the Council of State recommending that the management and up-keep of the fish-curing yards in the Madras Presidency be taken up by the Central Government The debate that took place in the Council of State on the 3rd March, 1927 shows this Now, though this Resolution was adopted in the Council of State, and though it is now more than three years since that Resolution was passed, Government have not been able to do anything I would, therefore, draw the attention of the Honourable the Finance Member to this definite grievance of these poor people and ask him to wait no more to come to their relief

Then, Sir, a word as regards the Public Service Commission The other day I heard the Honourable Dr Ziauddin saying that the Public Service Commission should not exist, for the reason that, in the Public Service Commission, the members are not proficient in all subjects, and therefore they cannot recruit for offices of all kinds Now, Sir, if my Honourable friend had had his attention drawn to what the selection boards or heads of offices are doing with regard to recruitment, I think he would not have referred to the Public Service Commission in the terms he did

Mr. President: That is not a reason for rejecting the Finance Bill?

Mr. Lalchand Navalrai: That shows, Sir, that Government's policy is wrong with regard to that I would only say, Sir, that the Public Service Commission is doing fairly good work, but that the selection boards require to be greatly improved

Dr. Ziauddin Ahmad: I know the working of the Public Service Commission in India and I know the working of the same institutions in England and elsewhere

Mr. Lalchand Navalrai: I do not say that the Honourable Member does not know it, but what I meant to draw his attention to was that he should divert his attention to what the Selection Boards are doing The Selection Boards are sending for hundreds of people, taking so much money on the application forms from them which the Government supply and examining hundreds of candidates, but the result is only that they give preference to some people and select only a few

[Mr Lalchand Navalrai.]

Now, Sir, coming to the Finance Bill itself, I submit the policy of the Government with regard to retrenchment has been entirely wrong I am glad the Finance Member has shown sympathy with regard to the curtailment that he proposes to make We are told that a Commissioner is going to be appointed for that purpose but, Sir, unless the policy of the Government is changed, no Commissioner, for the matter of that not even a Committee, will be able to do much In this connection I may submit that the present policy of the Government is not to touch for curtailment from top to toe, but to touch the toe only Therefore strict instructions should be given to the Commissioner who may be appointed to consider the pay and emoluments, not only of small officers and subordinates, but he should begin from the top He should take the office of the Secretary of State for India in hand first, then the salaries of Members of the Executive Council and so on The other day I heard the Finance Member saying that, even when we get Dominion rule and begin to rule ourselves, we will not be able to keep the Executive Councillors on a lower pay I submit, Sir, that when Dominion rule is granted to us, we will be cutting our coat according to our cloth, at present the Government wants to cut an English coat, even when there is no sufficient cloth

In this connection I would like to cite one or two instances to show how retrenchment is being effected, at present I was reading a pamphlet written by a Professor Mr H R Bhatega M A who is a Professor of Economics in the Patna University He has referred to an instance that happened in the Educational Department which supports my view This is what he says in his pamphlet

'The pay of the post of the Vice Chancellor of the Patna University was retrenched, but as the I E S officer had to be provided for somewhere, he reverted to his substantive post, carrying about the same emolument All officers acting in the chain of his vacancy were removed back until an unfortunate teacher officiating on a small pittance was thrown out of employment"

This is, Sir, what happens with the fate of retrenchment Now, have we not enough of instances in the Central Government itself? We have an instance in the Central Board of Revenue Recently, Sir, there arose the question of the appointment of a permanent Secretary to the Board, and what do we find? Since Central Board of Revenue was separated from the Finance Department, a Deputy Secretary, taken from the Finance Department, was working as a Secretary of the Board, and he was doing his work quite satisfactorily We know Mr Sundaram, who has been acknowledged to be a very competent man, and he was carrying on very well, yet the Government thought that a permanent Secretary should be appointed and who should he be? I have read the minutes of the Finance Committee, and I find that they wanted to provide for an I C S man with an emolument rising up to Rs 2 500 That is so far as one of the higher offices of the Central Board of Revenue is concerned, but now let us see what they have been doing in some of the smaller offices On the one hand, they raised the pay of the Secretary, on the other hand they considered the pay of the peons of the Income-tax Department in Bombay and Sind There we find, while the Commissioner of Income-tax, Bombay recommended that the peons of Bombay should be put on the same level as other peons in the mofussil, they made an increase of one or two rupees in the pay of these peons, but advocated that the peons of

the Income-tax Department in Sind who ___ ___ drawing one rupee more than the peons in other Departments in Sind should be retrenched This is the way, Sir, in which retrenchment is being carried on, and I say, until the policy of the Government remains unchanged, there will be little or no use in appointing any Commissioner or Committee

I will now say a word about the sugar tax My Honourable friend Mr Abdoola Haroon from Karachi put forward the grievance with regard to sugar tax preference It related to Kathiawar State Imperial Preference is strongly opposed in this House and Sir, on the same principle I would ask there should exist no State preference and the differential treatment as to recovery of sugar tax should be done away with as well With regard to sugar industries, in my own life I saw so much sugar-cane growing in fields and small factories making sugar which have fast disappeared in villages So these small industries should be reorganized and given the necessary help to revive the sugar industry of this country If in any case however the tax is being increased greater attention should be paid to the development of the sugar industry

Coming now to Imperial Preference with regard to cotton piece-goods

Mr. President: You will have an opportunity to speak on it tomorrow

Mr. Lalchand Navalrai. Only one word Sir, with regard to Imperial Preference I am entirely opposed to it There has been a great deal of feeling among the public on this question and the unanimous opinion of the people is that it should not be allowed I have received certain telegrams from the Karachi Merchants Association and also from Calcutta, and I will read only one telegram It says this

"Karachi Merchants' Association strongly oppose introduction of Imperial Preference in Indian budget in connection with protective duty on cotton piece goods Such preference will ultimately cause harm to India by subjecting her fiscal policy to interests of other parts of Empire and will initiate hostile legislation in countries concerned, harm many trades and other interests and strain India's relations with other countries"

Sir, I endorse all this I will not tire the House any more I would only say that in not supporting this Bill I will ask Government to take note of their wrong policies

Mr. W. A. Cosgrave (Assam Nominated Official) I move, Sir, that the question be now put

(Mr Mukhtar Singh rose in his seat)

Mr. President: I am sure the Honourable Member will be very reasonable It is already getting too late

Mr. Mukhtar Singh (Meerut Division: Non-Muhammadan Rural). Thank you very much, Sir After all, I have got the chance of speaking on this motion The main point that I want to discuss today, is that it is an admitted fact . .

Mr. Jehangir K. Munshi (Burma Non-European): Might I suggest, Sir, that you might adjourn now till eleven o'clock tomorrow?

Mr. President: No.

Mr. Jehangir K. Munshi: It is already very late now, Sir.

Mr. President: I must finish the Third Reading today.

Mr. Mukhtar Singh: The only point that I want to make is this Who is responsible for the poverty of the masses? Is it the monsoon or the excessive rain which, as the Finance Member said, is responsible or is it the Government that is responsible for the poverty of the masses? I shall dismiss the question of the monsoon and the excessive rain within a few minutes by saying that it is not only in India that the rain god is not pleased with the Indians Such natural calamities do occur in every country of the world Rather, I should think India is very fortunate in that respect Even England is affected by floods and frost, Japan is affected by earthquakes Sir, a country that has perennial rivers flowing and contains any amount of sub-soil water cannot be at a disadvantage as regards want of monsoon If you refer to the figures, you will be pleased to notice that, in 1890-91, the irrigated area was 21·1 per cent as compared to the total cropped area The percentage of irrigated area to the cropped area in 1921, after a lapse of 30 years remains the same, i e , 21 1 per cent That clearly shows that the Government have done nothing worth the name in the meantime They have not tried to increase the facilities for irrigation and now it does not lie in their mouth to complain about the want of monsoon Besides this, during the short time at my disposal, I shall try to convince the House that the Government are responsible for the poverty of the masses of this country on other scores The first point is the question of the burden of taxation In 1911-12, the burden of taxation per head, excluding land revenue, was Rs 1-7-0 In 1916-17 it rose to Rs 3-4-2, and in 1926-27 it reached the figure of Rs 4-8-5, an increase of 291 per cent If you compare the figure of 1916 to 1926, you will find that, within a period of ten years, the burden of taxation per head has increased by 216 per cent and still the Government say that they are not responsible for the poverty of the masses The land revenue in 1907-08 was Rs 2,99,48,000 It rose in 1927-28 to Rs 38,52,17,000, an increase of 28·7 per cent , and still we are made to believe that the Government are not responsible for the poverty of the masses There is one general complaint which I made last year also that Government have taken pretty good care that there should not be a committee or commission to inquire into the economic condition of this country So far as I am aware, there has not been a single committee or commission which has taken up the question of land revenue, the policy of irrigation, policy of transport, custom, tariff, etc , etc , in order to inquire whether really the poverty of the people is due to Government's policy or it is due to want of monsoon and excessive rain. If complete economic inquiry is made I am sure it will be found that Government are responsible for the poverty of the masses People are already convinced about it, but the Government will also be convinced of it if they really want to be convinced In Great Britain 4·4 men live on a land of 100 acres. In Denmark 5 5 in Germany 6·5, in France 7, in Holland 9 in Belgium 10 and so on live on 100 acres of land What about India? In India 66 men are living on the same area and this clearly explains why Indians are poor Every day the pressure on land is increasing Last year I pointed out that the percentage living on agriculture in 1881 was only 58 per cent In 1921, it has increased to 78 per cent That clearly shows how far Government are trying to encourage industries or engage the

people of this country in other pursuits The Honourable the Finance Member has made his policy quite clear in his budget speech He says

"In the first place and above everything else, it is necessary to stimulate and improve the agricultural production of the country, so that they can retain for themselves and enjoy a greater portion of the produce for their own subsistence In the second place, it is desirable to encourage industrial development, provided it is done in conjunction with and in supplement to the agricultural life of this country."

What does that mean? It means Sir, that this Government would not encourage anything unless it has something to do with the agriculture of this country This is why we find Imperial Preference in our textile industry We saw, year before last, that the Tariff Board recommended a tax on the import of cloth, but the Government imposed a tax on yarn. It clearly shows that the Government do not want the poor people of this country to prosper I am told, in season and out of season, that improvement in agriculture is the only method by which this poverty can be removed I want to disabuse the Honourable the Finance Member and his Government of this idea Improvement in agriculture will not in any way increase prosperity but it will bring in more misfortune I wanted to press that point when Mr Sykes put certain questions about the low rates of agricultural produce I was told by the Honourable the Finance Member and Sir Frank Noyce that stabilisation of prices is beyond the control of any Government and the price is always controlled by the demand and supply of the country But my Honourable friend will feel convinced if I read a passage from a recent book published in America, "Our Debt and Duty to the Farmer" On page 192, the author of this book says

"The sufferer from sciatica or similar disease may secure temporary relief from paroxysms of pain by hot fomentations and may lessen the frequency of acute attacks by medicines which stimulate the organs of elimination and have a quieting effect on the nerves He gets no permanent relief, however, and no assurance against recurring attacks until the cause is discovered and removed Just so the farmer may find some relief from his economic difficulties by cutting down expenditures, by reducing production costs, by reducing marketting costs through co operative associations, and by readjusting production Because of weather conditions he may find his income temporarily increased In 1924 for example our wheat farmers enjoyed the unique experience of a very large crop and a fairly good price at one and the same time As a result they were able to meet their interest and tax payments, pay off some of their debt, and make some needed purchases But they had no assurance that they would receive a profitable price the next year The fundamental trouble with agriculture is the distorted relationship between prices of what farmers produce and the prices of other commodities, and the large increase that has taken place in his fixed expenses such as labour, interest, transportation, and taxes. Until prices of farm products rise to a fair ratio with price of other things, or prices of other things drop to approximately the level of farm prices, agriculture will continue to suffer economic injustice Farmers themselves cannot bring about this change except as a sufficient number of them abandon their farms and thus reduce production This is a most dangerous and unwise policy from the national point of view, for such a process is always carried too far and results in great hardship on consumers before it can be checked It is also a grossly unjust method because it requires that large numbers must die financially that others may live"

This is the opinion of an American author and it is also the view adopted in England itself I may tell my Honourable friend the Finance Member and Sir Frank Noyce that, in England, this question was inquired into in 1924. If I am not mistaken, a Committee sat for stabilisation of agricultural prices and they have published a Report Economic Series No. 2—Ministry of Agriculture and Fisheries They found out that agricultural prices may rise or fall in consequence of those causes which bring about a rise or fall in the general level of the prices of all commodities, including

[Mr. Mukhtar Singh]

agricultural products taken together. The prices may be so great as to cause the greatest value of a large crop to be less than the small crop. It has been calculated that American growers of cotton receive more for a crop of nine million bales than for 118 million bales while American producers received more for a crop of three million bushels of wheat than for one million bushels. Further on they say that no one would deny that a favourable season in which there had been plenty of rain and sun and freedom from physical disturbances producing rich and healthy crop should be an advantage to the producer and therefore I should think that he desires nevertheless in the existing conditions of organisation of agricultural industry it is frequently a disadvantage to the production of a thing that he fears. In other words, it is true to say that there is no adequate machinery for the economic distribution and marketing On account of that it frequently happens that a favourable season, yielding a heavy crop, leads to temporary congestion of the market and thus the farmer has to sell his entire crop at a loss In spite of the above statement what do we do here? Sir, in this country, we do nothing else, but we try to increase the yield of the crop The Honourable the Finance Member can very well say that it is a question of demand and supply But what do they do in England? Do they rely upon the principle of demand and supply? No They have the Oat Subsidy Act, the Wheat Subsidy Act and quite recently they have the Beet Sugar Subsidy Act The cultivator is given subsidies for the different crops that he produces and yet even with the help of so many subsidies, the English farmer cannot survive on land and the population on land is decreasing every day That clearly shows, Sir, that without any sort of protection, you have no right to blame the Indian agriculturists for his poverty When the Government does not discharge their responsibilities he could not be anything but poor I may read to you, Sir, a passage written not by an agitator, not by a non-co-operator, but by Mr W S Blunt in his book "India under Ripon" At page 245, he says

"I believe, it may be stated absolutely, that the whole of peasant indebtedness originally came from the necessity thus imposed of finding coin to pay the land taxes This is the last worst evil which English administration has brought upon the Indian peasantry We have given the ryot security from death by violence, but we have probably increased his danger of death by starvation"

Sir, this is the condemnation in the words of an English author. What have you done, may I inquire for the stabilisation of prices? In every country, in America, in Germany, in France and in all other countries, they have revised their customs duty, they have revised their tariff duty and on account of that they have been able to protect their agricultural industry But in India where the producers have to send all their raw produce to England, nothing is likely to be done England wants agricultural produce at a very cheap rate and this is why India should remain an agricultural country and the agriculturist should not be protected And further, according to the Honourable the Finance Member, no industry which is not connected with agriculture should be allowed to survive. If this is the policy, I am afraid a time is coming when in spite of the persecutions, in spite of your repression of the workers in peasants and workers leagues, you will find that the peasantry of this country will realise that it is not God that is responsible, but this Government is responsible for their miserable lot I have not much time at my disposal, yet I want to

ask my Honourable friends on the Government Benches, how many times their land revenue policy has been enquired into and how many times revised? I may state straightaway the land revenue policy adopted in my province. According to the Tenancy Act of my province a tenant is debarred from filing a suit for the abatement of rent, while a landlord is allowed to bring his suit for enhancement of rent Why? Because land revenue is assessed on the amount of rent that the zamindar pays. If he gets more, Government gets more. This explains as to why the rent paid today can be increased, but cannot be decreased. If your policy rests upon this vicious principle that no abatement of rent should be allowed but only an enhancement of rent should be allowed, then how can you say, let the tenant improve his condition In spite of this your main cry is, let him improve his condition Is that the policy, Sir, by which you can improve his condition? Or make his position better? I was told by Sir Frank Noyce that the Agricultural Research Council will bring prosperity to this country The Research Council with an amount of ten lakhs and an agricultural council which is not responsible to this Legislature and about which the Government have not got the courage to put the whole scheme before this Legislature? Can that Council be expected to bring about everything? I am sure that if it is to get money for research work, that research work will consist only of how to improve the yield of agriculture It cannot enter into the question of economy and there is the end of the matter I was told the other day by a very responsible officer of the Government of India that even Pusa is not responsible for the economic side of agriculture and rightly too Why should they care for the economic side of agriculture?

6 P M

If the Honourable Members care to go to Meerut, they will find that a very large area is badly affected by locusts while all the entomologists that Government have at their command at Pusa and in the province are writing slips after slips giving instructions for the destruction of locusts But cannot the Government spare these experts to remain there on the spot and to show the way by which locusts can be destroyed? They are afraid they cannot do it and they do not know how to do it, and therefore these experts, who are drawing fat salaries, avoid being at the spot They do not want to get a bad name by their failure Is that the way in which the agriculturists are going to be helped?

Let me say a few words about the Agricultural Institute at Pusa which is said to be doing great things in the way of improvement of agriculture I went to Pusa and I stayed there one day more than I was required, and what did I see? The only thing that I saw was that there exists no atmosphere of a research institute It was not a temple of knowledge, but a temple of discord and heart burnings between Indians and Europeans If even amongst research workers you cannot arouse feelings of fellowship, comradeship and co-operation how can you expect to improve the agriculture of the country? Sir, I will refer to one passage in the evidence given before the Royal Commission on Agriculture, in Part I, Volume II, by one Mr. Joshi He stated in his evidence:

"The marked difference in pay, prospects and status of these services, constituted and officered as they are at present, requires to some extent a readjustment as these differences would ordinarily create an artificial sense of superiority in the members of the higher branch and thereby very often prevent the feeling of comradeship amongst scientific workers which is highly desirable but which is under existing differences hardly attainable."

[Mr. Mukhtar Singh]

This is the evidence given by one of your subordinates and speaks volumes of condemnation Being a subordinate he could not give his opinion in a more forcible manner, not because he did not feel more strongly, but because he could not express it for fear of persecution The Indian staff organised an association of all the research workers on behalf of which Mr. Joshi was examined and as soon as this opinion was expressed, the members were forced to resign their membership of this association The number of members when this evidence was given was 80 and it was reduced within a week to 35 This is the way in which even the Indian research workers are treated If agriculture is a transferred subject, I would ask Government to transfer this subject to Indians and Indians alone, and if they do not improve the condition of the people, then we shall cease to talk of Indianisation If the direction given by the superior staff is there, nothing is possible and nothing is achievable As long as the experts will look to the interests of England alone, nothing is likely to be achieved I may have stated a number of other things if I would have the time, but I will only refer to one thing which the Honourable the Finance Member said the other day He told us that if the salt tax was abolished, the eight crores which Punjab got by the cultivation of improved variety of wheat could not have been secured Let me tell him that last year, the Punjab did not get 8 crores, but lost, if not 8 crores, more than 8 crores, because you allowed the Canadian wheat to come into that province and to undersell the Punjab wheat Canada which was only cultivating about 2 million acres of wheat about 20 years ago is now cultivating 23½ millions It is a new country whose soil has just been brought under cultivation and it can easily undersell wheat in any other country whose fertility of the soil has decreased by continuous cropping The Government quietly allowed that wheat to be sold in the Punjab and in United Provinces, and still we are told that the Punjab cultivator has got 8 crores by the improved variety I may be confronted with the Report

Sir Frank Noyce (Secretary, Department of Education, Health and Lands) Had the climatic conditions in the Punjab nothing to do with the import of foreign wheat?

Sardar Kartar Singh: Their prices are affected by the import of foreign wheat.

Mr. Mukhtar Singh: No, Sir, I was submitting that the method of your reporting is defective and deliberately too How do you arrive at the figure of 8 crores? I know how you arrive at it You have no agency by which you can know that this improved variety has really given a profit to the cultivator and if so by how much. What do you do is like this From the Agricultural Research Institute at Pusa you get a report that the improved variety must give so much more than the ordinary variety. You take for granted that it is so, and then you multiply the area by the figure of profit your experts have calculated and you get the figure of 8 crores as profit Is that the honest method of writing your reports? Is there any other country which does it like that? I have been studying the Agricultural Year Book issued by the United States of America I have never found such a thing there. No Government would do it You know perfectly well the value of your improvements and this is why you take to this method of arbitrary calculation I hope, Sir, this explains as

to how the Finance Member said that 8 crores have been put into the pockets of the Punjab cultivators But if he goes to Punjab he will find that the Punjab cultivator has lost a large amount in producing wheat last year.

This is about your improvement There are two questions more to which I will draw the attention of the Finance Member This country is poor, not because the agriculturists do not produce sufficient, not because the people of this country are lazy and unintelligent, but because the people of this country have to support themselves and support the whole population of England Therefore they are poor Some people draw fat salaries here, and others draw fat dividends from factories the products of which must be sold in the Indian market and the indigenous article produced in this country should be discouraged I will make it clear to you only by putting two or three instances We were told that the Government of India have done a lot for the agricultural people by introducing good varieties of manure and fertilisers, and that the Railway Board have been good enough to reduce the rates on fertilisers in order to keep the agriculturists living Is it so? Potassium nitrate which has all the elements required by the agriculturists of this country, has been ruined by your excise policy But you will allow the import of sodium nitrate, which contains sodium, an element injurious to the soil of this country Yet you will not allow the potassium nitrate manufacturer of this country to live Potassium nitrate has a handicap even in railway rates to which I drew the attention of the House last year But here is a very recent instance The East Indian Railway increased its rates on manures a few months back and at once there was a representation from the manure manufacturers and at once the rates were decreased (Interruption) Yes, for the sake of foreign manufacturers I hold in my hand a copy of a letter dated the 5th December, 1929, in which these railway rates were decreased At the same time, what do we find? On bones, the rates were not decreased in spite of the representation of the people as bones are required to be exported outside India I shall refer only to a few figures, Sir, which will convince you about the vast difference in rates The rates now on the East Indian Railway for different foreign manures and fertilisers are:

for 50 miles 7 pies per maund,
100 miles one anna 2 pies per maund,
150 miles one anna 9 pies per maund,
200 miles two anas 3 pies per maund,
300 miles three annas 2 pies per maund,

and so on.

Now, what about the bones? For 50 miles alone the exporter has to pay one anna eleven pies per maund in comparison to 7 pies in the other case, for 100 miles, he has to pay 2 annas 9 pies, in comparison to one anna 2 pies, for 150 miles he pays 3 annas 7 pies in comparison to one anna 9 pies, for 200 miles 4 annas 3 pies in comparison to 2 annas 3 pies, for 300 miles 5 annas 8 pies in comparison to three annas two pies, and so on I have got the entire schedule in my hands which will convince you of the policy which is followed by the Government Now I may be allowed to give another instance of reviving the agriculturist by their railway policy. I refer to the Bombay milk supply You know, Sir, since a very long time in Bombay she-buffaloes are used for the purpose of milk and what is done

[Mr Mukhtar Singh]

with them? They are imported from the Punjab They are taken there and after one lactation period, all of them are slaughtered I will give you some startling figures and still the Government sits tight on the question. In 1900-01 the number of she-buffaloes slaughtered in Bombay was 1,198 (Interruption) They are not slaughtered for meat I will tell you why? In 1927 28, this number of 1,198 increased to 26,094 In a place which imports cattle from the Punjab, milch cattle are allowed to be slaughtered to the extent of 26,094 in one year Is it likely that the breed of she-buffaloes will survive?

Mr. President: The Honourable Member must now conclude

Mr. Mukhtar Singh: Only five minutes, Sir, with your permission. I was submitting, Sir, why they have been slaughtered It is not because meat was required, as I am told people do not like the meat of a she-buffalo They were slaughtered because they could not be carried back from Bombay to other mofussil places Why? Because the Railway Board increased the rates from Rs 50 a wagon to Rs 92 a wagon and they will not make any concession for dry buffaloes of a cheaper rate The milk supply of Calcutta can be met with, because there are different rates at which a season ticket holder can take milk every day from the mofussil to Calcutta at cheap rates But that is not done in Bombay Here people cannot take their buffaloes to the mofussil and bring milk to Bombay The result is that all the people outside Bombay are starving, because they have no industry and they are not allowed to follow dairy industry Bombay is starving for milk because they cannot keep cattle and still the Government will say that if they care for anybody, they care for the masses alone If you really want the masses to be satisfied, make an honest effort to help them Your hypnotism over the masses is disappearing In 1921 non-co operation had clearly broken that hypnotism, and now people are convinced that it is not God alone that brings to them misfortune, but there is something wrong somewhere, and I submit Sir, it is much better if the Honourable the Finance Member revises his policy I say that all your railway policy, all your agricultural policy, all your tariff policy, should be revised with only one end in view and that is that India should live and that the people of this country should at least exist I maintain they have a right to exist and if that right is acceded, they will be satisfied Even for your own sake, you will have to keep them in existence I wish, Sir, that the Honourable the Finance Member, economist as he is, financier as he is, should try to go deeper into the matter I would not have touched this point at all if I had been convinced that these points would be cleared up in the Banking Enquiry Committee But I know, Sir, that that Committee has nothing to do with all these questions and this is why I have to draw attention to them here The poverty of India is not due to the factors which you proclaim to be responsible for But your own policy has brought this ruin and misery and the sooner you wake up, at least in your own interests, the better (Applause.)

Mr. K. V. Rangaswami Ayyangar (Madras Landholders) It is very unfortunate, Sir, when in England the socialist Government has come to power and when in India such excellent gentlemen as our Viceroy and our Finance Member are presiding over the destinies of our affairs, a taxation to the extent of five to six crores of rupees has been levied during this year Sir, when I entered the Council in 1916, we had only a

taxation of 85 crores or so Now, it has increased by 50 per cent in the course of 14 years Sir, it is the case in all countries that the taxation has been much reduced from the war time Budget The present day Budget of ours is worse than the war times Every country has reduced its taxation But, unfortunately, we have got increased burdens while we were promised during the war a reduction of taxation after wars Sir, it is said that the reforms were the cause of heavy burdens in India We wanted reforms only for the purpose of reduction of taxation burdens and not for the name of reforms The conditions due to reforms seem to be worse than war conditions! Sir, there is no corresponding benefits of the reforms that have been the cause of the heavy financial burdens in India If the reforms should be the cause of the heavy burdens, I should wish that we go back to the old pre-reform days rather than enjoy the luxury of these reforms

Sir, the salt tax was the only tax that was taken exception to on behalf of the masses during the pre reform days, but now, Sir, there is not only one tax, but there are half-a-dozen taxes that on all sides are pressing on the poor man He has to pay a heavier price for his ploughshare, for his spade, for his scythe, and for every kind of tool that the purchases, for the clothing that he wears, for his migration, because the third-class fares have increased, for his sugar and now for kerosene oil, and I say, for his silver also Sir, some Honourable Members were nodding disapproval when Mr Birla was saying that silver was a poor man's commodity but I say that silver is really a poor man's commodity because the richer people have taken to diamonds and gold, for his ornaments for so many other things he has to go in for it

Sir, ever since the late Sir William Meyer left the Finance Department, I may say a policy of bold taxation has been inaugurated and the goose that was laying golden eggs is being gradually throttled It is no wonder his purchasing power has vanished and industries in India and abroad that were fed by him are suffering

Sir, Members on these Benches want more money for agriculture, for irrigation and for so many other things The Finance Member has to provide for funds for discharging the increased duties placed upon the Government Sir, I may say that there are ways open to Government for finding money without increasing the taxation at this time We should not lock up money now by way of railway reserves for some few years—at least so long as trade depression disappears We should not also lay aside a debt sinking fund If these two things are done now, at this time when the country is troubled by all sorts of calamities, we can have a Budget without any increased taxation The Finance Member, Sir, has challenged us and said that whoever may be the Finance Member it would be impossible for him to meet the deficit except by increased taxation But now, Sir, I have suggested that we should raid the Railway Reserve Fund and should not have the debt sinking fund I do not congratulate Honourable Members on this side for voting against the Honourable Mr. Neogy's Resolution that we should go back on the convention or agreement in respect of the Railway Reserve Fund that we are adding to every year. Sir, we do not have a reserve fund for anything except Railways We do not have a reserve fund for the Army; we do not have a reserve fund for loss on opium revenue or customs or any other thing, and it is only want of confidence in this side of the House that made Sir Charles

[Mr V K Rangaswami Ayyangar]

nes propose a reserve fund only for railways because he perhaps thought at on account of our having a hardy annual in the debates where igation and such other matters were trotted out as requiring more money ile the contention of the Government was that the railways wanted ore money Sir, the railways have built up 30 crores for five years and are laying aside now five crores every year, and for debt sinking fund may be laying aside two or three crores, so that if we make a temporary l on these two funds, I think we can have a balanced Budget, and may resort to the railway reserve fund and the debt sinking fund after present depression is over

Sir, one other thing I wanted to say is this A lot of influential supt is given to the question of having a certain percentage of seats in vernment services given to different communities, as Hindus, Muslims , I do not think any community is behind any other community the matter of passing any competitive examination When this is mitted and as is proved by our having such eminent men on these nches hailing from one community or other, I do not think, Sir, that ving a certain allotment to particular communities in services will go enhance the efficiency of the Government I am opposed to this comnal allotment, and I say that if only efficiency should be the guidance the matter of recruitment to the services and not communal considerans, Government will be more efficient and will be run at a cheaper t Sir, it has been admitted by speakers on this communal problem it their community are in no way behind other communities in the matter efficiency, and when such is the case, where comes the allotment of per cent or 35 per cent ? Let there be impartial judges and let them lge whether this particular person is more efficient than the other To say it a certain man, the moment he is converted from Hinduism and bene a Christian or Muhammadan, should be given preference over another n is rather a thing that reasonable people cannot understand The only subject that requires to be pressed on the attention of the Home vernment that means doing justice to India is the doing away of preferes because one belongs to this particular religion or that particular ite

Sir, if we oppose this taxation and throw out this Bill it would not like the failure of a Bill in the House of Commons, and I join in the ntiments of some Honourable Members on this side who have said that owing out the Bill is no impeachment or censure of the Government nat we only say is that we cannot be parties to this high taxation when ere should be a considerable reduction from the war burdens

The Honourable Sir George Schuster: Sir, we have ranged over a very ge field both in time and space during the course of this debate We ve been taken back to the period of Plassey by Mr Amar Nath Dutt, and have come very near to the present We have dealt with agriculture, h the Public Service Commission, with the representation of communes, the Round Table Conference, in fact with practically every subject ich has interested the public in India during the last year or two it I must confess, Sir, that the amount of time devoted to the actual oposals of the Budget this year has been singularly small

It is extremely difficult to reply to this type of debate, and as the ne is late, I propose to confine myself to a very few remarks

The general theme of those who have opposed the Finance Bill has been that, in the words of my Honourable friend Mr Kelkar, the Finance Bill represents a sort of "consolidated demand of confidence", and Honourable Members who have no confidence in the Government must therefore oppose the Bill Or perhaps, they may put it in another way, namely, that as at present, they have no responsibility or no power of controlling financial policy, they must, as a protest against this state of affairs, vote against the Finance Bill No doubt there is a great deal of truth in the last contention, but at the same time I would ask Honourable Members to consider that in fact they do have a great many opportunities for influencing Government's policy If we consider the position as though we were two opposing armies, it is always interesting for one Commander to attempt to get into the mind of the Commander of the opposing forces Now I do not mind telling you, as one who represents at the present moment the Commander of one of the opposing forces, that all that is said in this House has a very considerable influence, at least on our financial policy for which I can speak I think that, if Honourable Members will look at the proposals that have come up in the financial field this year, they will see what great effect the remarks they make from their side have on Government's policy Further, if they will also consider the possibilities that do exist under the present constitution, I think they will also recognise that there are very considerable opportunities for influencing policy I was very glad in the speech of my friend, Mr Amar Nath Dutt, to find some recognition of the work done by the Standing Finance Committee After all, one should remember this, that all new expenditure does come up before the Standing Finance Committee, and even when it is non-voted expenditure, the matters are brought before the Standing Finance Committee for their information Therefore, it is open to the unofficial parties in this House at present to exercise a very great influence on the Government's financial policy

Apart from that general ground for opposing the Finance Bill, a good many points have been made, as they must necessarily be made, in the course of this debate dealing with particular affairs, and as far as my answer is concerned, I wish to take this opportunity of dealing with some of those points My friend the Deputy President who, I am sorry to say, wished to condemn us as Members of the Executive Council to a somewhat unhappy fate, dealt with a point which was also taken by my friend Mr Fazal Ibrahim Rahimtulla in his,—if I may so describe it—bright and business-like speech, on the question of representation of Mussalmans in the services That subject has already been dealt with in many questions during the course of this Session, and I can only say that the matter is going to be inquired into again and that the position as it exists now after five years of the policy which was initiated in that letter which my friend the Deputy President read out, is going to be reviewed, and I trust that I shall have the opportunity of discussing it, so far as concerns the Departments coming under my own control, with representatives who are interested in this matter.

Then, Sir, we had some points raised both by my friend Mr. Lamb and Colonel Crawford, and, as Colonel Crawford dealt with the whole of the points in which his Group is interested, I should like to base my remarks on his speech. He explained again what was in the mind of his Group in moving a motion in regard to retrenchment, and there I should like to take this opportunity again to explain our position in this matter.

[Sir George Schuster.]

The view seems to be held by certain groups and parties in this House that a mere inquiry by a departmental officer will not be sufficient I wish to make it clear that, at the present stage, all that we propose to do is that this officer on special duty should make a careful survey of the whole ground, analysing the reasons for the growth of expenditure, and that, when his Report with a clear analysis is available, it will be again submitted to Members of this Assembly, and that our future line of action will then be decided after I have had an opportunity of discussing the matter with representatives of the Assembly Therefore, I do not wish the impression to get abroad that this departmental inquiry is necessarily the end of the matter

Then on the question of our policy with regard to kerosene taxes, there is one point as regards which the Government have been extremely sensible in the course of the discussions which have taken place in the House on this matter We do feel that as regards the small companies, there is a possibility that this change in the relative levels of import and excise duties may create some hardship, and may affect the finances of those smaller companies, and we recognise that that is a matter which must be very carefully watched If we are satisfied that a good case has been made out for the relief of any of the smaller companies and that some special relief is needed for them, then I think that means can be found for giving the necessary assistance by powers which the Government already possesses, and without special legislation The matter requires careful watching, and any claim for special assistance will have to be thoroughly established It goes without saying that anything that the Government may do in this matter will be reported at the first opportunity to this Assembly, and discussed with them

Then I should like to refer to the speech, the very interesting speech on points regarding income-tax administration,—which has become almost an annual event from my friend Mr Gava Prasad Singh He will not, I am sure, expect me to reply in detail on all those points, but I can assure him that his speech will be most carefully read, and that all the suggestions he has made will be carefully examined, and taken up if necessary He recognises the fact in his own speech that some of his suggestions have already been taken up, and I should like to say that I welcome this type of criticism, because it helps us to consider points which might otherwise escape our attention

My Honourable friend, Sir Purshotamdas Thakurdas, had some remarks to make on the question of sugar, and referred to the special duty that rests on the Government now, in view of the heavy charge which they are taking out of sugar, to take steps to encourage development of the sugar industry in this country I thought that I had made it quite clear in my budget speech and in my subsequent speeches, that that was the intention of the Government The special points to which he made reference the need for some special assistance to manufacturers possibly in the direction of special transport facilities, special freights and so on, all those are points which will be considered by the appropriate organisations There is at present a special Sugar Committee considering various points, and, as I stated in the House the other day, it is probable that a Tariff Board inquiry into the same industry will be undertaken in the near future, so that all those points will be taken up

Then I come to the speech of my friend, Mr Anwar-ul-Azim, and t point that I wish to refer to in his speech is his reference to the provinc and to the indication which I had given in my own original budget speec that, supposing a surplus was available at the end of this year, it was o intention that one of the directions in which such surplus should be en ployed, might be in helping the provinces by way of financial assistan and giving a start possibly to the new constitutional developments. M friend made this point, that it will be better for the Central Governmer to allow heads of revenue to go to the provinces rather than that th Central Government should itself collect the revenue and distribute it i the form of doles That, of course, is a pertinent observation, and I ca only assure my friend that the whole question of the relation between th Central Government and the provinces and the redistribution of heads c revenue is a question which we know will have to receive most serious con sideration in the course of this year and to which already I have given great deal of preliminary thought The fact that these new taxes ma put us in a position to help the provinces financially does not necessaril mean that that assistance will be given merely in the form of doles It mus be taken that it is likely to put us into an easier position, and the wa in which distribution would be made is something which has got to b worked out in the future

Then I would like to refer to the speech made by my Honourabl friend, Mr Fazal Ibrahim Rahimtulla He, I am glad to say, made hi speech on the lines of what I think he described as "honest criticism an sugestion for the future" That I must say is the type of speech whic I like to get He raised some questions about the additional revenu which we might derive from the increased duty on silver thread and silve ware and from the excise duty on silver, all of which, as he correctl pointed out, were not included in my original budget proposals The sam points were also raised by my Honourable friend Mr K C Roy I hav not yet got detailed estimates of the possible yield on the silver threa duties, but I understand that it may be something in the neighbourhoo of one lakh As regards the excise duty on silver, that I do not trea entirely as an additional windfall I had based my calculations as to what we should get from the import duty on silver on certain assumptions a to the amount of silver which would be absorbed by the country, and whether it is produced in the country or imported from outside, whethe we get our returns in the form of excise or in the form of import duties does not necessarily alter the amount But as my Honourable friend wil have noted, I made no secret of the fact that I considered that our esti mates of revenue from the silver duty were on the conservative side Perhaps I may leave it at that, but, as regards the point which was mad by my Honourable friend arising out of this possibility of additiona revenue, I should like to say that I am entirely in agreement with him His point was this, that, if the Government find themselves in possessio of a surplus, that must not be regarded as an excuse for relaxing the most rigid control of expenditure I have already told this House that I regard myself as being under a most solemn pledge that we will continue a policy of economy and retrenchment, and that no extravagance will be permitted until this Assembly has had a chance of reviewing the position based on that report to which I have already referred I recognise that the position of being in possession of a surplus puts a Finance Membe under a very great responsibility I trust that I shall be equal to that responsibility.

[Sir George Schuster]

Then, lastly I would refer to the long and interesting speech made by my Honourable friend, Mr Mukhtar Singh I should like to say to him that all that he said about the general economic condition of the country is a matter in which I take the very greatest interest I trust that, in various ways, such as the possibility of an Economic Advisory Council to which I have referred, or the Central Council of Agricultural Research on which my Honourable friend serves, or the Banking Inquiry Committee, on which also my Honourable friend serves, we shall be able to work out a constructive economic policy which will give my Honourable friend greater satisfaction than the policy which he has criticised in the past He himself, owing to his position, has great opportunities now of helping the Government in developing such a policy, and I would only ask him to continue to make that careful study of the subject, which the speech he has made today shows he is already making

My final remarks will concern themselves with the speech made by my Honourable friend, Mr Aney Before I deal with that I should like to express my personal regret that the Honourable the Leader of the Nationalist Party has been unable to be present during these debates owing to illness His absence has undoubtedly made my own task easier, but for personal reasons I certainly regret it, and I should like to convey to him, through the party, my sympathy in his present illness

I should like also to congratulate my friend Mr Aney on the speech which he has made, which, speaking as one who was the subject of criticism, I recognised as most effective In particular he selected the growth of expenditure and I think that that was the first time, in the course of these debates, that this particular aspect of the question has been closely examined It is obviously a vulnerable point in our position There has been a substantial growth in expenditure on civil administration in the last six or seven years, and it is on that particular point that I wish Honourable Members to concentrate their attention when we are able to put before them the Report, to which I have already referred, in the course of the next two or three months The figures by themselves look much worse than they really are, and, if we had had time to go through, one by one, the various five per cent cuts given notice of by my Honourable friend, Sir Hari Singh Gour, in connection with the various Departments, I should have been able to show in each case to this House what were the reasons for the growth in expenditure There was not time for that, and indeed an examination of that kind can be much better pursued by a quiet study of the Reports I trust that the Report which we shall present will be informative, and I trust that Honourable Members will subject it to their very careful criticism, and help Government to find means of economy where economy can be introduced without endangering the public interest

Apart from criticising expenditure, my Honourable friend quite naturally criticised our scheme of taxation, and put this on the broad ground that we are taking a very great risk in asking the country now to support an additional burden of about five crores of new taxation I agree that, stated in this broad way, it does seem a great deal to ask the country to do at present, but the whole case which I have presented in all the speeches which I have made in the course of these debates is that these taxes in themselves are not entirely an evil, if you consider them one by one. Take for instance the tax on silver, I would point out that now, even with

our new tax imposed, any man who wants to buy silver will be able to buy silver in India at a price somewhat lower than that at which he could buy it at this time a year ago Therefore the burden of that tax will not, I submit, be very heavily felt in the country.

Then again take the case of sugar I think I am right in saying that the wholesale price of sugar has during the last year fallen by something more than the amount of tax which we are imposing Now, I do not say that the consumer will not perhaps feel the burden of that tax, for I think one of the points which the Government should inquire into is a point to which my attention was drawn the other day, namely, the wholly disproportionate increase in the retail prices which has been made since the imposition of that duty In those ways, perhaps the consumer is sometimes made to suffer more than the actual imposition made by the Government justifies

Of the cotton tax I think I need not say much The increase of from 11 per cent to 15 per cent is, I think, one of those taxes which would be almost universally accepted in this House as an appropriate measure at the present stage Therefore, I am only left with the income-tax This has perhaps no special merit about it, and in fact the only merit which I claim for it is that, as I said yesterday, it completes the balance of my scheme and distributes the burden of the new taxes fairly as a whole It falls on comparatively wealthy people and I do not think it can be said to be a really disastrous burden on the country For all these reasons I have felt some confidence in proposing my plan of new taxation to this Assembly, and I feel so certain in my own mind that additional revenue is at the present stage required, and will in the long run benefit the country, provided that we attempt no extravagance in ordinary administration, and provided that we concentrate our attention on beneficial and constructive measures, that at the close of these long debates I feel myself unshaken in the ground which I took up at the beginning Therefore what I would ask this House to do is to give me a chance by passing this measure, and see what comes of it

Maulvi Muhammad Yakub: The Honourable Member has not touched the question of reforms for the North-West Frontier Province which was referred to by my Honourable friend, Dr Ziauddin Ahmad It is a very important question

Mr. President: The question is

"That the Finance Bill, as amended, be passed"

The motion was adopted

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 25th March, 1930.

LEGISLATIVE ASSEMBLY DEBATES

TUESDAY, 25th MARCH, 1930

Vol. I—No. 42

OFFICIAL REPORT

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LEGISLATIVE ASSEMBLY.

Tuesday, 25th March, 1930

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr President in the Chair

SHORT NOTICE QUESTIONS AND ANSWERS

THE GREAT INDIAN PENINSULA RAILWAY STRIKE

Mr. M S. Aney: (i) Will Government be pleased to give approximately the number of strikers who had resumed duty on or before 15th March, giving separate figures for persons employed in the workshops, and on the Great Indian Peninsula Railway line?

(ii) Will Government be pleased to state whether the Railway Board had, soon after the declaration of the strike, issued any instructions to the Agent, Great Indian Peninsula Railway, not to employ, as far as possible, any persons as permanent servants to fill vacancies caused by the strike?

(iii) Was the Railway Board kept duly informed by the Agent from week to week regarding the number of posts filled, permanently and temporarily?

(iv) Did the Railway Board instruct the Agent to keep a register showing the number of persons employed as permanent and temporary separately to fill the vacancies with the dates of the employment of such persons?

(v) Will Government be pleased to state

(*a*) whether the members of the All-India Railwaymen's Federation who carried on negotiations with the Honourable the Member for Commerce and Railways and the Members of the Railway Board from 27th February to 1st of March, were given to understand that the total number of posts permanently filled would in all probability not exceed 500; and

(*b*) whether the comparatively small figure of permanently filled posts then given out was not one of the most important considerations which weighed with them in accepting the condition in the Government Communiqué of 1st March, 1930, relating to reinstatement of strikers?

(vi) Are Government aware of the fact that the responsible Railway officers on inquiries by some of the office-bearers of the Great Indian Peninsula Railwaymen's Union are alleged to have given out that the number of persons employed as permanent to fill up vacancies of the strikers was approximately 8,000?

(vii) Are Government aware of the fact that the above statement alleged to have been made by these responsible Railway officers has dissuaded the majority of strikers from joining their duty on the 15th March, the date fixed in the Government Communiqué as the last date for strikers to join their duty?

(viii) Has the attention of the Government been drawn to the Free Press telegram published in the *Hindustan Times*, dated the 19th March, 1930, under the head "Authorities Refusal", to the effect that the Great Indian Peninsula Railwaymen's Union Office has received telegrams from several important centres on the line, such as Badnera, Bhusaval, Itarsi, Manmad, Shahabad, Sholapur and other places, that the railway authorities had refused employment to the strikers who offered themselves to join the duty on the 15th March and the 16th March and insisted on them to vacate quarters first?

(ix) Has the attention of Government been drawn to the telegram sent by the Special Correspondent of *The Times of India* and published in the issue of that paper on March 17th, 1930, to the effect that the railway authorities at Nagpur had held out a hope of entertaining only ten per cent of the strikers there, as most of the vacant posts had been permanently filled?

(x) (*a*) Are Government aware that the conduct of the railway authorities in refusing re-instatement has created widespread discontent and dissatisfaction?

(*b*) Is the attention of the Government invited to the telegram, publishing the decision of the Strike Committee held at Bombay on the 16th March, exhorting the strikers to continue the strike and offer peaceful Satyagraha and carry on mass picketting so as to induce the loyalists to join their ranks?

(xi) (*a*) Will Government be pleased to state if they propose to take such steps to further extend the period for the strikers to join by 10 days and instruct the Railway Agent and Divisional Officers subordinate to him, in charge of different divisions of the Great Indian Peninsula Railway, to re instate all those who offer themselves for joining the duty within the same period?

(*b*) If not, will they be pleased to state what other steps they propose to take to remove the apprehension which dissuades the strikers from offering themselves for joining the duty and thus putting an end to the present undesirable state?

(xii) Will Government be pleased to state:

(*a*) Whether they have received a telegram from Messrs Jinwalla and Ruikar to the effect that the Agent Great Indian Peninsula Railway, is withholding January wages of Parel and Matunga Workshops men and other strikers; and

(*b*) What steps they propose to take with a view to see that the wages of the strikers for the month of January are immediately paid and their family members saved from starvation?

The Honourable Sir George Rainy: (i) As the 15th March was a holiday and the 16th Sunday, the offer contained in the Government of India communiqué of the 1st of March, which fixed the latest date up to which the men who offered to return to duty would be reinstated or placed on a

waiting list, was kept open until the 17th March Up to and including the 17th March, about 10,900 men applied for reinstatement; 4,850 have been reinstated, about 4 500 placed on the waiting list and about 1,500 have not yet been placed on the waiting list because they have not vacated their quarters Of the men on the waiting list 2,500 can be reinstated within the next two weeks

In addition, 1,500 engineering gangmen, who did not apply for reinstatement, could be reinstated within a very short period

These figures do not include workshop staff The total staff employed in the workshops at Matunga, Parel and Jhansi is about 13,000 men Up to the 17th March 1,200 men had resumed duty But since then there has been an improvement in the Jhansi workshops, and on the 22nd of March 3,413 men, that is to say, practically the entire establishment, had resumed work at Jhansi On the 24th, however, the Jhansi figure had dropped to 1,049 On the 22nd March there were 75 men at work at Matunga and 783 at Parel

(ii) On the 12th February the Railway Board advised the Agent that, although they must leave the question of filling vacancies permanently to his discretion, they considered that new recruits should only be taken on in such numbers as were absolutely necessary for the maintenance of essential services

(iii) No

(iv) No

(v) (*a*) No

(*b*) Does not arise

(vi) On the 6th March the Agent, Great Indian Peninsula Railway, gave an interview to Mr Kher of Jhansi at the request of Mr Darling, Collector of Jhansi Mr Kher did not interview the Agent in his capacity as an office bearer of the Great Indian Peninsula Railwaymen's Union The Agent told him that, as far as he was aware, about 8,000 posts had been filled

(vii) Government do not consider that this statement had any real effect on the situation, but are aware that some of the Union leaders have attempted to use it as a lever to dissuade the men from offering to return to duty

(viii) Government have seen the press telegram referred to by the Honourable Member A number of men, of whom about 1,500 were in the Transportation Department, on application for reinstatement were asked by the Railway to vacate their quarters, as their original posts had been permanently filled and re-employment either could not be found for them at once, or could not be found at the stations where they were employed previous to going on strike They were asked to vacate their quarters as a preliminary to their names being entered on the waiting list

(ix) Government have seen the telegram referred to From information at present available only 10 per cent of those who went on strike at Nagpur can be taken on again at that station, but it is expected that

all who have offered to resume duty before the 17th March will be absorbed at other stations.

(x) (*a*) No

(*b*) Yes

(xi) (*a*) and (*b*) Government do not propose to extend beyond the 17th March the undertaking given in their communiqué of the 1st March that an employé who went on strike and who offered to return to duty by the prescribed date and who could not be taken on because his post had been permanently filled, would be put on the waiting list and reinstated at the earliest possible moment They propose in respect of posts other than those in the workshops to instruct the Agent, Great Indian Peninsula Railway, now to proceed to fill permanently all posts held by men who went on strike and who did not offer to return to duty on or before the 17th March In filling such vacancies the men on the waiting list will have the first claim to re-engagement, and persons who went on strike but are not on the waiting list will be considered eligible for employment with other applicants Further, the Railway Administration will be instructed not to refuse to take back into service any employé merely because he went on strike

I would like to add that as a concession to the employés who offered to return to duty by the 15th March Government agreed on the 15th March to a proposal from the Agent, Great Indian Peninsula Railway, that men who offered to return to duty on or before the 17th March and have been put on the waiting list because their posts were permanently filled should be granted all the leave they were entitled to on the day they proceeded on strike, the leave to commence from the date the employé's name was placed on the waiting list

The position in regard to the workshops is different, and Government propose to consider the question of abolishing all posts in the workshops which have for some considerable time been retained in excess of requirements, merely because it was not considered desirable to dispense with the services of a considerable number of men all at once Further, the question of shutting down the workshops for a time will have to be taken into consideration as it is not possible to work the shops efficiently and economically unless a sufficient number of qualified men is available for work

(xii) (*a*) Yes

(*b*) Payment of wages due was not withheld by the Railway All wages were available for payment on the normal dates, but in some cases the trikers neglected to take payment This was the case to a large extent t Parel and Matunga shops, where the men were prevented by the strike rganisation from taking payment As soon as it became apparent to the ailway that the ban on the men receiving wages was lifted by the strike eaders a special pay day was arranged and most of the men received their anuary wages; but they refused to take pay for the days they worked in ebruary, although this was specifically offered to them.

Mr. N C. Kelkar: Supplementary question, Sir

The Honourable Sir George Rainy: There is one more short notice question on the same subject and it might be for the convenience of the House if I answer that before the supplementary questions are asked

Mr. President: Diwan Chaman Lall

Diwan Chaman Lall: (i) Will Government be pleased to state

(*a*) the number of strikers involved in the last Great Indian Peninsula Railway strike?

(*b*) the number of workshopmen involved in the strike in all the workshops of the Great Indian Peninsula Railway separately? and

(*c*) the number of strikers, apart from workshopmen, involved division by division?

(ii) Will Government state whether they agreed to reinstate all strikers immediately except those whose posts were permanently filled up?

(iii) Will Government state the

(*a*) criterion for establishing whether or not a post had been permanently filled,

(*b*) method of scrutiny for establishing as a fact whether or not a post has been filled up,

(*c*) number of such posts thus filled in the (i) workshops, (ii) in other departments?

(iv) Will Government state the total number of strikers who have been

(*a*) refused reinstatement immediately,

(*b*) whose names have not been entered on the waiting list, and

(*c*) the number, who in spite of the settlement arrived at between the Railwaymen's Federation and the Railway Board have been asked to vacate their quarters?

(v) Is it a fact that Government, as a result of further negotiations by us with (*vide* my letter of the 11th March addressed to the Honourable Sir George Rainy) Members of the Railway Board have accepted the suggestion

(*a*) to treat these strikers who have not been taken back immediately, as on leave for the period of leave due,

(*b*) to reinstate all the strikers within a shorter period anticipated in the statement issued by the Government of India on the 1st March, 1930,

(*c*) to permit the strikers to report to duty even after the date mentioned in the communiqué of 1st March, 1930 and 15th of March,

(*d*) to allow subsistence allowance to the men for the period of unemployment from the day of offer to resume and actual resumption; and

(*e*) that so-called permanent hands already employed during the strike should be put on the waiting list and the strikers immediately re-engaged?

(vi) Will Government state the shortest possible period in which all the strikers not so far reinstated will be taken back to work, and whether Government have decided to reinstate at least 50 per cent in March, 25 per cent in April and 25 per cent by the end of May?

The Honourable Sir George Rainy: (i) The position varied from day to day. The figures I give are for the 11th March

(*a*) 31,792

(*b*) Parel 3,347, Matunga 4,702, Jhansi 4,171 Manmad 397, a total of 12,617.

(*c*) 19,145

I regret that figures are only available by departments and not by divisions. 12,073 were in the Transportation and 3,985 in the Engineering Department

(ii) Yes, provided the employé offered to return to duty on or before the 15th March, a date which was subsequently extended to the 17th March, and was not discharged for other reasons than the strike

(iii) (*a*) The criterion is whether an offer of permanent employment, either written or verbal, was made, subject of course to the appleant passing any prescribed medical or other test within a reasonable time

(*b*) This must obviously be determined by the evidence of the officer who was competent to fill each post as to the nature of the offer made by him

(*c*) Up to the 11th March, in the workshops 13, elsewhere 14,072

(iv) The number of strikers, other than workshop staff, who offered to return to duty and were not immediately reinstated is about 6,000 The number of strikers, other than workshop staff, who have not offered to return to duty and whose names have consequently not been entered on the waiting list is approximately 8,000 With regard to the number of men who have been asked to vacate their quarters I would refer the Honourable Member to the reply I have given to part (viii) of Mr Aney's question I would remind him, however, that this point does not find a place in the terms offered to men to return to duty as announced after my meeting with the representatives of the All-India Railwaymen's Federation

With regard to workshop staff I am not aware that any man who has offered to return up to the 17th March has been refused reinstatement, and in these circumstances the arrangements with regard to the waiting list have not had to be brought into force I have received no information that any of the workshop staff have been asked to vacate their quarters

(v) (*a*) A recommendation to this effect with regard to men who offered to return to duty on or before March the 17th was made by the Agent of the Great Indian Peninsula Railway and accepted by the Government of India.

(*b*) Since, if the men offered to return to duty on the terms announced in the communiqué of March the 1st, the Government of India were anxious to re-employ them in as short a time as possible the methods by which this could be done were carefully explored from the 1st of March

onwards, and by extending the arrangements announced in the communiqué to other lines it seems possible that practically all men on the waiting list may be taken back within a shorter period than was suggested, when I met the representatives of the All-India Railwaymen's Federation

(*c*) The date has been extended to March the 17th for reasons which I explained in answer to Mr Aney

(*d*) No

(*e*) No

(*vi*) I am afraid it is not possible to state exactly what the period will be within which all strikers who offered to return to duty on or before March the 17th can be reinstated, but I can assure the Honourable Member that Government are anxious that this period should be as short as possible I can give no further definite information as to the numbers likely to be reinstated than I have already given in reply to Mr Aney

Diwan Chaman Lall: May I ask the Honourable Member whether it was a term of the agreement between the Railwaymen's Federation and the Railway Board that the workers who offered for reinstatement should be asked to vacate their quarters before they could be put on the waiting list, and if that was not a term of the agreement, why was this condition put before them?

The Honourable Sir George Rainy: No, Sir That, as I have already stated, was not mentioned in the agreement at all But quite clearly, if a man is on the waiting list waiting for an appointment to be offered to him, and his post has been permanently filled, his quarters must be placed at the disposal of the permanent incumbent The reason why these quarters are provided is that it is necessary for the man to live near his work

Diwan Chaman Lall: May I ask the Honourable Member whether it is not a fact that one of the terms of the settlement was that there should be no victimisation, and whether he would not consider that this action, taken by the local officials against men offering for reinstatement, namely, that they should first vacate their quarters before their names could be put on the waiting list, was a measure of victimisation?

The Honourable Sir George Rainy: No, Sir It was not a measure of victimisation at all It is merely this, that in order that the work of the Railway may be carried on, the men who have been permanently appointed to certain posts should not be deprived of their quarters

Diwan Chaman Lall: May I ask, Sir, whether the Honourable Member would not have considered it advisable to consult the Railwaymen's Federation before it was made a condition precedent to the reinstatement of these men?

The Honourable Sir George Rainy: No, Sir I think this is a matter of an ordinary business arrangement necessary in order that the work of the Railway should go on

Diwan Chaman Lall: May I ask Sir, whether it is not a fact that the gentlemen who negotiated with the Honourable Member were under the

impression that the total number of men whose posts have been permanently filled would certainly not exceed 3,000, and whether it is a fact, which has now been discovered, that the total number of posts permanently filled is 14,000 odd?

The Honourable Sir George Rainy: I am not in a position to say what the impression was in the minds of those whom I interviewed on the 28th February and on the 1st March, but I am quite willing to believe that they thought that the number was a great deal less than 14,000

Diwan Chaman Lall: May I ask the Honourable Member whether it is not a very serious matter that the representatives of the Railwaymen's Federation, who went to negotiate with the Honourable Member, were definitely under the impression, and that impression was conveyed to them by one of the Members of the Railway Board, that the number, as they understood from that Member, would not exceed 3,000? If that was the position, does it not materially affect the basis of the negotiation?

The Honourable Sir George Rainy: No, Sir The position at the time of the interview was this, that the members of the deputation first asked that we should undertake to take back the men within a certain definite period That we were unable to do, and I think I am correct in saying that, from our side of the table, at the interview no figure was mentioned As regards what the Honourable Member has said about the figure given to him by a Member of the Railway Board, that cannot have been given to him immediately before the interview because, before that date, we had already received a higher figure than that from the Agent of the Great Indian Peninsula Railway

Diwan Chaman Lall: May I ask the Honourable Member, Sir, whether he is challenging my statement that that figure was given to me by a Member of the Railway Board? May I remind the Honourable Member that I am definitely asserting that, before we entered into negotiations with the Railway Board, a figure of 2,900 odd was actually conveyed to us by a Member of the Railway Board, and that no higher figure was ever mentioned to us before we started negotiations?

The Honourable Sir George Rainy: As I have already said, so far as this particular Member of the Railway Board is concerned, his statement is that that figure was given to the Honourable Member several days before the interview and not in any way as a figure to be used at the interview

Diwan Chaman Lall: Does the Honourable Member realise that the figure that was given to me and to other members of the deputation that saw the Honourable Member was a figure given to us, either on the day the deputation met the Honourable Member or the day before, and that no other figure was ever given to us before we started negotiations with the Honourable Member?

The Honourable Sir George Rainy: No, Sir. I cannot admit that the figure was given either on the day of the interview or on the day before and my Honourable friend will remember that, although I was pressed

several times at the interview, I declined persistently to quote any figure at the interview

Diwan Chaman Lall: May I ask the Honourable Member whether it is not a fact that, although the statement that he has now made about himself is perfectly correct, the other statement is also correct, and will the Honourable Member be prepared still to challenge my veracity in the matter?

The Honourable Sir George Rainy: I have already said that the figure that the Honourable Member has mentioned was given to him in conversation several days earlier and was not given to him on the day of the interview or the day before the interview

Diwan Chaman Lall: Is the Honourable Member aware that it was not a question of several days earlier? The negotiations started and were completed within about five days, and therefore there could be no question of giving the figure several days earlier?

The Honourable Sir George Rainy: It is not within my recollection, Sir that the period was so short as that My recollection is that conversations were going on for a longer period than that

Diwan Chaman Lall May I ask the Honourable Member whether he is aware that the conversations with regard to these permanently filled posts did not last more than four or at the outside five days, and that the figure could not possibly have been given several days earlier? Is the Honourable Member aware of that?

The Honourable Sir George Rainy: No, Sir, I am not aware of that

Diwan Chaman Lall: May I ask the Honourable Member if it is not a fact that one of the reasons why many of these workers came back to work, but refused to continue to work is merely because of this that they discovered that a very large number of the permanent posts had been filled up and that this was not brought to our notice at the time we negotiated?

The Honourable Sir George Rainy: I expressly refrained at the interview from mentioning any precise figure because at that time I was of opinion that the figure we had in our possession should not be taken as a final or accurate figure, and I was particularly anxious to avoid conveying any erroneous impression on the subject It was for that reason I consistently refused to give any particular figure to the members of the deputation

Diwan Chaman Lall: May I ask the Honourable Member, Sir, if he is prepared to reconsider the whole position now in view of the definite statement that I have made, which can be borne out by every member of the delegation that met the Honourable Member, namely that no member of the delegation was aware that the figure could possibly be more than the figure of 2,900 odd or 3,000 at the outside? Under those circumstances, is the Honourable Member now prepared to do all he can to inform the workers who have been on strike that, at the earliest possible moment, every man in spite of the fact that he did not come back to work on the 17th March, will be reinstated, and that everything will be done to find a job for him?

The Honourable Sir George Rainy: As regards those who returned to duty from the 17th March, certainly, everything will be done to find employment for them as soon as possible But as regards those who did not return to duty by that date I have already replied in the answer that I have given

Diwan Chaman Lall: May I take it, Sir, that the position is this, that the delegation that met the Honourable Member were influenced into agreeing to that settlement under the impression that the number of posts which were supposed to be permanently filled would not be more than about 8,000, and is it the position now that the Honourable Member is taking advantage of the figure of 14,000 permanently filled in order to keep out those who did not offer themselves for work on the 17th March?

The Honourable Sir George Rainy: No Sir I cannot admit that the members of the deputation were in any way entitled to have the impression that the figure was as the Honourable Member has stated, nor can I accept his suggestion

Lieut.-Colonel H. A. J. Gidney: Will the Honourable Member please state what advantages in the way of bonus increment, leave or promotion he proposes to offer to those employees who remained loyal to the Great Indian Peninsula Railway during this strike?

Mr. A. A. L. Parsons: The men on the line who remained loyal throughout the strike are being granted double wages for the period of the strike I cannot at the moment remember if they have been given any other special terms

Lieut.-Colonel H. A. J. Gidney. Will the Honourable Member please state in view of the anxiety shown towards placating the strikers and the liberal terms offered to these men, how long Government intend to continue this policy which almost amounts to encouragement of strikes and spoonfeeding of the strikers?

The Honourable Sir George Rainy: I am afraid I cannot admit the inference suggested by my Honourable and gallant friend that the fact that the strikers who offered to return to duty have been placed on a waiting list is an encouragement to strikes

Sir Hari Singh Gour: Will the Honourable Member consider the advisability of drawing up a complete report of the causes of the strike, and place it on the table of the House for the information of Honourable Members?

The Honourable Sir George Rainy: I will consider that, Sir

Mr. M. S. Aney: May I ask, Sir, whether after the Government communique was issued on the 1st of March, attempts were made to serve a large number of strikers with notices of discharge from service on the 3rd of March and on subsequent dates, and whether, after the 1st of March, some posts have been permanently filled? Is the Honourable Member aware of that?

The Honourable Sir George Rainy: I understand, Sir, that some posts have been filled since the 1st of March I may say that when the figure of 14,000 came to our notice, it seemed to me desirable that the matter

should be very carefully examined For that reason, the Chief Commissioner for Railways, Mr Russell, was asked to go down to Bombay, where he arrived on Friday morning last I expect him back tomorrow, and I shall discuss with him the whole question as soon as he returns

Diwan Chaman Lall: May I ask whether, in view of the situation now presented to us, the Honourable Member would not be prepared to reconsider the whole matter, even with regard to the men who did not offer themselves for reinstatement and put them on the same basis if they, within the three days time given to them offer themselves for reinstatement as those who offered themselves previously?

The Honourable Sir George Rainy: I should find very great difficulty in doing that, Sir, but I will consider my Honourable friend's suggestion with the Chief Commissioner for Railways on his return

Mr. Vidya Sagar Pandya: Will the Honourable Member please let us know how many days' notice was given to the railway employees before they were asked to quit their quarters?

The Honourable Sir George Rainy: I think it was seven days, but I am speaking without the book I am not absolutely certain about it

Mr. Vidya Sagar Pandya: Is the Honourable Member aware that, under the ordinary law, when a landlord wants his tenant to quit the house, the tenant is entitled to have some notice and may I know whether such a thing obtains in the railway rules in respect of their employees?

The Honourable Sir George Rainy: No, Sir, I cannot give an answer as to the notice required under the ordinary law, though I have no doubt that my Honourable friend would be able to give me a correct statement on that point But the question of the vacation of railway quarters is governed by a special section of the Railway Act

Mr. Vidya Sagar Pandya: May I know, Sir, if the Honourable Member is aware that some railway officials and others approached the owners of Dharamsalas not to allow the railway men to get into the Dharamsalas?

The Honourable Sir George Rainy: No, Sir, I have received no information to that effect

Mr. Vidya Sagar Pandya: If any information to that effect is supplied, is the Honourable Member prepared to inquire and punish those who have acted in this manner?

The Honourable Sir George Rainy. If the Honourable Member will give me the information, I will consider whether any action is necessary

STATEMENTS LAID ON THE TABLE

Earnings of Newly Constructed Railway Lines.

The Honourable Sir George Rainy (Member for Commerce and Railways): Sir I lay on the table a statement promised in reply to the general discussion on the Railway Budget on the 19th February, 1930, regarding the actual earnings during the financial year 1928-1929 of newly constructed railway lines

Statement showing actual net earnings during the financial year 1928-29 of newly constructed lines for which information for 1928-29 is available.

Item No.	Name of project	Working Railway	Gauge	Mileage	Date of opening	Net income creditable to the project for 1928 29	Percentage return of income (Col 7) on Capital Outlay	Percentage return of income on Capital outlay some few years after opening as estimated originally	Remarks.
1	2	3	4	5	6	7	8	9	10
						Rs			
1	Shahdara-Narowal .	N W	5′—6″	47 73	21-12-26	2,74,753	8 54	5 48	
2	Sibsagar Road Khowang	A B	3′—3½″	38 79	1-7-27 (26·79 miles) 10-11-27 (12 miles)	1,41,719	4 04	4 00	
3	Kannivihalli-Swamihalli Extension	M & S M	3′—3½″	11 74	15 3 28	2,37,532	41 2	(a)	(a) Information not immediately available.
4	Shoranur Nilambur	S I	5—6″	41 35	26 10 27	—28 061*	—0 35	3 52	
5	Lyallpur-Jaranwala .	N W	5′—6″	22 10	3 12 27	—72,792	—4·29	5 47	
6	Narowal-Jessar-Chak-Amru	N W	5′—6″	32 40	21 12-27	—34,449	—1 97	8 21	
7	Sirhind-Rupar . .	N W	5′—6″	31 00	16 2-28	1,95,647	8 00	6 22	

*Excluding earnings of the existing lines from new traffic interchanged with the new Railway

Note.—1. In the case of lines opened subsequently to March 1928 figures for the first full year of working will be those for 1929-30, which are not yet available

2. Where the figures in column 7 include earnings of existing lines from traffic interchanged with the new railway the figures are not, pending further investigation, final

RATES OF WAGES OF CERTAIN CLASSES OF EMPLOYEES OF THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

Mr. A. A. L. Parsons (Financial Commissioner, Railways) Sir, with reference to part (c) of my reply, on the 20th January, 1930, to unstarred question No 82 by Khan Bahadur Sarfaraz Hussain Khan, I lay on the table a statement comparing the rates of wages of certain classes of employees of the Bombay, Baroda and Central India Railway during the years 1914 and 1929

Statement comparing the rates of wages of certain classes of employees of the Bombay, Baroda and Central India Railway during the years 1914 and 1929

Class of workers	Rate of wages in 1914	Rate of wages in 1929	Percentage of rise in the rate of 1929 over that of 1914	Remarks.
Boilermakers	2—9	3—9	39 02	
Carpenters	1—13	2—11	48 28	
Fitters	2—5	3—5	43 24	
Masons	1	2—	100 00	
Moulders	2—5	3—5	43·24	
Painters	1—13	2—10	44·83	
Patternmaker	1—15	3—5	70·97	
Blacksmiths	2—9	3—9	39 02	
Coppersmiths	2—5	3—8	51·35	
Tinsmiths	2—2	2—15	38·24	
Springmakers	2—9	3—9	39 02	
Turners	2—5	3—5	43·24	
Trimmers	1—13	2—10	44 83	
Wood Turners	1—13	2—11	48·28	
Beltmakers	1—3	2—4	89 47	
Drillers (includes air)	1—3	1—14	57·89	
Crane Drivers	1—13	2—9	41·38	
Firemen	1—1	1—5	23·53	
Furnacemen	0—14	1—5	50·00	
Steamhammerman	1—13	2—4	24·14	
Machinemen	1—13	2—10	44·83	
Muccadam	1—8	2—4	50·00	
Rivetters	1—10	2—7	50·00	
Assistant Sawyers	—14	1—5	50·00	
Assistant Machinemen	—14	1—5	50·00	
Sawfilers	1—3	1—14	57·89	
Cleaners	—12	1—5	75·00	
Coolies	—12	1—2	50·00	
Fetlers and Helpers	—12	1—5	75·00	
Khalassees	—14	1—5	50 00	
Strikers	—12	1—5	75 00	
Rivet heaters	—7	—13	85·71	
Oilers	—14	1—5	50 00	
Lifters	—12	1—5	75 00	

Class	Maximum rate of wages in 1914 Per day	Maximum rate of wages in 1929 Per day	Percentage of rise in rate of 1929 over the rate in 1914	Remarks
	Rs. as	Rs. as		
CLASS I.				
Mail Drivers . . .	9 0	12 0	33 33	
CLASS II				
Drivers (Pass) . . .	5 8	8 12	59 09	
,, (Goods) . .	6 0	9 0	50 00	
,, (Goods)	4 8	8 0	77 78	
Shunting Drivers .	3 0	4 8	50 00	
Head Loco. Shunters or Turners	2 8	4 8	80 00	
Firemen	2 0	3 0	50 00	
,, .	2 0	4 0	100 00	On passing Drivers' examination
CLASS III				
Broad Gauge				
Drivers	2 8	4 0	60 00	
Shunting Drivers	1 8	2 4	50 00	
Loco Shunters	1 0	2 0	100 00	
Firemen	0 14	1 8	71 43	
,,	0 14	2 0	128 57	Special rate for literate firemen
CLASS III				
2'—6" gauge				
Drivers	1 12	2 8	42 86	
Shunting Drivers	1 4	1 12	40 00	
Firemen	0 12	1 5	75 00	

	Per month	Per month		
Drivers' Grade A . .		275		European Drivers 25% Indian Drivers (Literate) 500% Indian Drivers (Illiterate 108 %
,, ,, B .		250		
,, ,, C .		220		
,, ,, D . .		100		
,, ,, E . .		73		
European Drivers . .	220			
Indian Drivers (Literate)	46			
Indian Drivers (Illiterate) .	36			
Shunters' Grade A . .	.	130		European Shunters 30% Indian Shunters 550%
,, ,, B . .		120	..	
,, ,, C . .	..	50		
European Shunters . .	100			
Indian Shunters . .	20			
European Firemen	70			
Indian Firemen . .	14	.		
Firemen Grade A . .	.	100		European firemen 43% Indian firemen 615%.
,, ,, B . .	.	75	.	
,, ,, C. . .	..	28		
Khallasies	8	15	..	87·5

THE COTTON TEXTILE INDUSTRY (PROTECTION) BILL

Mr. President: The House will now resume further discussion of the following motion moved by the Honourable Sir George Rainy on the 18th March, 1930

"That the Bill further to amend the Indian Tariff Act, 1894, and to amend Indian Tariff (Cotton Yarn Amendment) Act, 1927, be taken into consideration"

Mr. Ghanshyam Das Birla (Benares and Gorakhpur Divisions Non-Muhammadan Rural) Sir, in rising to raise my voice against the principle of this Bill, that is, Imperial Preference, I feel some uneasiness in my mind I realise the responsibility which I am taking as I cannot ignore the fact that the Bombay cotton industry is passing through a very serious time Yet, Sir, the duty of every Member is clear in this matter, and it has to be weighed whether the interests of the cotton industry are of such magnitude that we should accept the principle of this Bill although it involves Imperial Preference, or whether we should reject it on the ground that the wider interests of the country demand that Imperial Preference could not be accepted Sir, I also realise that, in raising my voice against this Bill, I am not carrying with me some of my best friends What pains me most, Sir, is that I have not been able, in this matter, to carry with me even my dearest friend Sir Purshotamdas Thakurdas, although, Sir, I trust that his head as well as his heart is with me though not his vote Sir, the consolation which I have, however, is that, except for the Bombay interests the entire Indian mercantile community, and what is more the whole country is with me And, the greatest of all is the consolation that justice is on my side Sir, with my faith in the justice of the cause, I rise to oppose this Bill

Sir, before I proceed to touch upon the various aspects of this Bill, I should like to make a few observations about the remarks which fell from my Honourable friends Mr Das and Diwan Chaman Lall I think they were unnecessarily unkind when they strongly criticised the Bombay management and commented on their so-called inefficiency Sir, I hold no brief for Bombay I have got no interest in the Bombay mill industry but knowing as I do something of mill management in Calcutta and in Bombay as well, I have not the least hesitation in saying that Bombay management is as competent or incompetent as any other management in the world If, Sir, according to my friend Diwan Chaman Lall, Bombay has been able to oust Lancashire in the cotton trade during the past few years, surely it could not be due to their inefficiency I should be proud of the fact, Sir, that at present, of the total Indian production of cotton goods Bombay's share is nearly 50 per cent and surely, Sir, this does not reflect their inefficiency If Sir, in spite of the very hostile policy of the Government towards the indigenous industry, Bombay has been able to capture such a large part of the cotton trade, it is a matter, Sir, of which we should all be proud, and I would be very sorry if my friend Diwan Chaman Lall did not feel so I think, Sir, Bombay is in a frightful condition, and it is the duty of this House to treat her case sympathetically, and not to criticise her at a time when she requires a sympathetic word and sympathetic treatment more than she required at any other time I also wish to say that whatever be the criticisms against Bombay, that is the only place where you get a little glimpse of Indian management and Indian enterprise You kill Bombay and you kill the entire Indian trade I therefore ask my friends not to be unsympathetic but to be

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sympathetic and treat her case as generously as possible It is true that Bombay has become impatient, as one of my friends remarked She has lost her nerves It is therefore all the more necessary that we should not allow her to commit suicide by taking a cup of poison when she requires a cup of milk, that is judicious nourishment and wise counsel I hope therefore that we shall not be unduly harsh on the Bombay interests My friend Diwan Chaman Lall said that it was not a national industry I know there is a distinction between a national industry and nationalised industry I agree that it is not a nationalised industry But it undoubtedly is a national industry, and if my friend Diwan Chaman Lall looks forward to a time when it may be possible to nationalise all the Indian industries, I should like to tell him that it will be easier to nationalise a national industry than to nationalise a non-national industry It is therefore in the interest of all concerned, Sir, that we should help our national industries and not treat them in an uncharitable manner

Sir, before I come to close grips with some of the provisions of this Bill, let me make it clear that I do not altogether agree with the argument advanced from time to time that there are certain kinds of goods which come into competition with Indian products while there are others which do not come into such competition This argument is correct to a limited extent, but I will give you a few illustrations which will show that it does not hold good beyond a certain point Take the case of artificial silk The House will realise there is nothing common between cloth made of artificial silk and cloth made of cotton, and yet if the cloth made of artificial silk could be sold at a very cheap price, it is bound to compete with the cloth made of cotton I can produce some samples, which I forgot to bring with me today, but which I propose to lay on the table* for the inspection of this House, which will show that there are dhotis imported from Manchester in very large quantities made out of finer counts, and yet they compete with dhotis made of coarser counts in India The reason is obvious The Manchester dhoti, although very inferior so far as durability is concerned, is sold at Rs 2 per pair, while the Indian made dhoti, although nearly a hundred per cent more durable than the Manchester dhoti, is sold at Rs 2-6-0 or Rs 2-7-0 per pair In a country where poverty is rampant and the poor have to pay as high a rate of interest on their loans as 200 per cent it is not at all surprising that a man prefers to buy cloth far less durable simply because it is slightly cheaper than similar cloth and far more durable but slightly dearer This point has been brought out very strikingly by Mr Hardy in his Report, on page 72, paragraph 22 when he says:

"We have also to consider the indirect competition of goods of different quality, a matter of special importance if a scheme of protection should be contemplated since there is always the possibility that a rise in the price of an imported product may not drive the purchaser to a local product of the same kind but rather to an imported product of a slightly different kind A good example of this type of indirect competition is the supplanting of fine striped shirtings by fine printed drills"

Then he goes on to say:

"Area for area a fine cloth may be less expensive than a coarse cloth and a purchaser who requires a piece of cloth for a particular purpose generally requires a definite area and not a definite weight Thus he may buy a finer cloth merely because it is cheaper whereas he would prefer a coarse cloth if he could get it at the same price because it is more durable and better suited to his purpose"

*The dhotis were subsequently laid on the table of the House

This makes it clear that it would not be correct to say that certain kinds of goods alone come into competition and that others do not. It is all a question of price Every cheap cloth must compete with Indian products, and if we accept this we have to analyse whether the protection proposed to be granted under this Bill is adequate or not To my mind, Sir, the success of protection would depend entirely on its adequacy It is something like nourishment given to an invalid patient whom you want, in course of time, to get up on his legs and earn his own livelihood If you give him judicious but adequate nourishment, he develops sufficient strength after some time and becomes independent of your help On the other hand, if you keep him in a semi-starved condition, he is a constant drag on your purse To my mind adequate protection is money judiciously invested by the consumer, and inadequate protection is money simply thrown away I think therefore this House should analyse whether the protection which is proposed to be granted under this Bill is or is not an adequate protection, whether it covers all those imports which are likely to compete with the Indian products, or whether it is going to be money wasted We have to analyse whether the sacrifice which the consumer is called upon to make is going to bring us any return or will it have been in vain

Now, Sir, in order to find out whether protection is adequate or not, let us examine the figures of demand and supply My friend the Honourable the Finance Member referred, in his speech, to the years 1924-25 and 1925-26 as the years in which the peak of prosperity had been reached, and therefore I would take these years as the bases of my calculations for finding the total consumption of the country Now, Sir, I take the year 1924-25 and I find that the total consumption of cloth in India was 3,621 million yards, out of which 1,970 million yards were produced by mills in India and 1,651 million yards were imported from outside Now, Sir, we come to this conclusion,—and it is not wrong as we cannot come to any other conclusion since the purchasing power of the masses after these two years has surely come down—it cannot be said that India can consume more than 3,600 million yards of cloth at present I have left out deliberately the handloom production and consumption, because that is not a relevant factor If I take the handloom industry also into account which produces about 1,100 million yards, then I would have to add 1,100 million yards to my figures both of consumption and of production This will complete the picture But for all practical purposes it would make no difference if we omitted the handloom industry altogether from the picture Thus, we come to this conclusion that the consumption of Indian mill-made cloth and of imported cloth can not be at present more than 3,600 million yards Let us now see, Sir, if we have not got more supplies than we require

Sir, the producing capacity at present of India is about 2,700 million yards We produced in 1927-28 2,357 million yards, and since then there has been a great expansion in the trade New mills have been erected in Ahmedabad and other up-country places, and at some places the mills have started working at night with a double shift I know of cases in fact of my own mills in Delhi and Gwalior where we are working a double shift. It has been estimated and the estimate is not far wrong, that the present producing capacity of the Indian mills is about 2,700 million yards. as against our requirements of 3,600 million yards We have got production in our own country which amounts to 2,700 million yards That

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is to say, we require only 900 million yards from imports, and I ask the Honourable the Commerce Member whether he thinks that the protection which he is proposing to give under this Bill will be adequate to affect the imports to that extent We are at present importing, as I said, about 1,900 million yards, and unless we bring down the imports to 900 million yards, there is no likelihood of our mills working economically to their full capacity deriving any advantage from the proposed protection. This is the first point, Sir, on which I disagree with my friend Mr Chetty. He said Let us see whether the protection is adequate I say the protection is not adequate, and therefore the money which we are asking the consumer to sacrifice for protecting the textile industry is going to be money wasted.

Now, Sir, my second point is that our competition is not merely with Japan I will again produce some figures to show that our competition is not only with non-United Kingdom, but also with the United Kingdom I propose to place a few figures before the House, which will show that the United Kingdom has been competing is much with Indian products as non-United Kingdom I will take only dhotis and coloured goods in this connection I may point out that with Japan, our competition is confined entirely to plain grey goods, *i e* , Latha, etc whereas our competition with the United Kingdom is more markea in the field of dhotis and coloured goods There, again, I wish to produce a few figures before the House on the basis of which Honourable Members can form their own judgment Now, Sir, as I said before I have chosen the year 1924-25, as the Honourable the Finance Member called it the peak of prosperity year In that year our total consumption of dhotis amounted to 947 million yards Our producing capacity at present amounts to 700 million yards That is to say, we are required to import only 250 million yards Now, let us see what has happened Imports from the United Kingdom of dhotis in 1924 25 were 488 million yards, where it has stood throughout the last five years, *viz* , the years 1924-25 to 1928-29 In 1928-29 it stood at 454 million yards But what was the effect on our production? In 1927-28, the production of the Indian mill-made dhotis had reached 616 million yards In view of our limited consumption which cannot be more than 950 million yards, there were only two alternatives left for us, *viz* , either that the imports should have been curtailed or that the axe should have fallen on the Indian production The imports could not be curtailed and as we could not withstand competition, we had to curtail our own production Our production, which was 616 million yards in 1927-28, came down to 564 million yards in 1928-29

Diwan Chaman Lall (West Punjab: Non-Muhammadan) May I ask whether this decrease in the production of cloth was due to the strike in Bombay?

Mr. Ghanshyam Das Birla: I am glad that this point has been raised by my friend Diwan Chaman Lall It was certainly due to the strike, but may I ask him what these strikes were due to? We had strikes in the Jute industry in Calcutta Labour put up extravagant demands and as we were passing through a period of prosperity we did not like to prolong the strike and we settled the whole matter in a fortnight's time But when the Bombay mills got strikes, they looked upon them with mixed feelings They knew that they were passing through a period of depression

and they know they would not lose much by keeping their mills closed. They were not in a position to meet the demands of the workers The result was that they prolonged the strike until starvation led its collapse. Now, Sir, that clearly proves .

Diwan Chaman Lall: I do not want to interrupt the Honourable Member, but may I ask him whether he knows that the 1928 strike did not break down and that the workers did not resume unconditionally?

Mr. Ghanshyam Das Birla: Are you referring to the strike of 1928? May I know what advantage labour got out of it?

Diwan Chaman Lall: The Honourable Member can read the Report himself and find out

Mr. Ghanshyam Das Birla: I am afraid my Honourable friend has neither read the Report nor has he taken sufficient interest in it Well Sir, it is my sincere opinion, and I think my Honourable friend Diwan Chaman Lall will agree with me, that it cannot be in the interest either of the employers or the employees that the industry should continue to suffer and remain starving Labour can exact the best terms only when industry passes through a period of prosperity, and as the Bombay mill industry was passing through a period of depression, it suited them very well to prolong the strike In fact they looked on the strike with mixed feelings I would not be at all surprised, if even with the proposed protection, some mills in Bombay had to close down But if no protection was forthcoming, I had anticipated that in the month of May this year almost all the mills in Bombay would be compelled to declare a lockout, and you may call it a strike or a lockout, so far as production is concerned, it will have the same effect I maintain that you would not have curtailed the production—strikes or lockouts are mere means—but for the fact that we were meeting with serious competition from abroad Now, Sir, to resume the thread of my argument, what I said about dhotis equally applies to the coloured goods The import of coloured goods from the United Kingdom in 1924-25 stood at 338 million yards, while in 1928-29 it stood at 335 million yards That is, the imports have been stationary Well the production of the Indian mills, which went up in 1927-28 to 681 millions came down in 1928 29 to 487 million yards Similarly if we look into the total production of the mills, we would find that, while the imports have been practically stationary since 1927-28, the local production which, in 1927-28 went up to 2,357 million yards, came down to 1,893 million yards in 1928 29 That gives you a correct idea of the situation The supply is more than India could consume, and there are only two alternatives, either we must curtail the imports or curtail the production What I want to know from the Honourable the Commerce Member is whether he thinks that the protection which he is proposing to give to the Indian mills is adequate to affect the imports to the extent we want and whether it will bring the imports down to 900 million yards, if not, I am afraid he must admit the money which we want to spend for the protection of the Indian industry will be money wasted It was for this reason that the Bombay millowners and the millowners of other parts of India unanimously asked for 20 per cent all-round with a minimum of 8½ annas per pound on all cloth. I want to know why two-thirds of the imports have been left untouched. Our total imports amount.

12 Noon

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to 1,900 million yards, out of which two-thirds come from the United Kingdom, and it is from the United Kingdom that we have to face serious competition in dhotis and coloured goods, and I want to know from the Government of India what protection they propose to provide against the imports of dhotis and of coloured goods from the United Kingdom, which are very seriously competing with Indian products

Mr. B. Das (Orissa Division Non Muhammadan) Mr Chetty will explain that

Mr. Ghanshyam Das Birla: My own conclusion is, and that conclusion is shared by a large number of friends in this House, that while the Bill does provide a small protection to the Indian industry, it also provides a protection to Lancashire, in order that she may wrest her lost territory from Japan The figure of the last two years will show how the imports from the United Kingdom have gone down, while the imports from other sources have gone up In 1927-28, the imports from the United Kingdom were 1 543 million yards, while from other sources they were 430 million yards, thus making a total of 1,973 million yards While the total imports have been stationary—that is in 1929 the imports were approximately 1,980 million yards,—the imports from the United Kingdom have gone down from 1,543 million to 1,300 million yards, while from the other sources the imports have increased from 430 million yards to 680 million yards That, Sir, makes it quite clear that while we are asked to give a small protection to the Indian cotton industry, we are also asked to give equal protection, if not more, to the Lancashire industry I ask this House whether it is fair that, at the cost of the Indian consumer, we should protect an industry which is not situated in India, which is in no way connected with India except the fact that it is one of the elements which has constantly aspired to kill the Indian textile industry (Hear, hear) I would not be opposed to protecting any British industry, provided we do so by mere blessings or by mere words But if it is a question of paying so much out of your pocket to a foreign industry, I am sure none will have the courage in this House to say that we should do so

I realise that my Honourable friends the Bombay Millowners Association people have been in a difficult position While they want protection for their own industry, if they reject this proposal they have to go without protection for some time But if they would have the patience and courage to say to the Government definitely without any ambiguity that if we want protection we want unalloyed protection, we will not consent to pay a huge sum out of the pocket of the Indian consumer for benefiting Lancashire, if they had the courage to say this, I am sure that, in the course of a short time, the Government would have to bend and give us protection, adequate and unalloyed, without any tinge of Imperial Preference But, Sir, let us examine what is the expenditure we are incurring in order to protect the Lancashire industry The Fiscal Commission in its Report—here I want to make it clear that I am not reading from the Minority Report, for I was one of the Minority which wrote the Minute of Dissent—I am quoting the Majority Report, which was accepted by the Government In paragraph 225—this paragraph has already been

quoted, but it is so instructive that I am tempted to quote it again, and I hope the House will not mind the repetition—in paragraph 225 it says.

"So long as a substantial quantity of the commodity continues to be imported from countries to which preferential rate has not been extended the prices of the commodity will be regulated by the higher duty and the consumer will thus pay the higher price on the whole supply and the difference between the two rates of duty will be equivalent to a bounty to the manufacturer in the country receiving the preference"

Then, Sir, in paragraph 226, on page 126, they further give an illustration and say

"To take an illustration we may assume that the favoured country is before the grant of preference supplying three fourths of the market and after the preference is given the price to the consumer for a time may be regulated by the higher rate of duty and the manufacturers of the favoured country will receive, as has been already explained, the bonus of the difference between the two rates"

This illustration very well fits in with our present position We are now importing two thirds from the United Kingdom and one-third from other countries Now, Sir if we are to accept this proposal, the result should be that the price of imports from the United Kingdom would be regulated on the basis of the prices on non-U K goods, which naturally will have to be sold at a higher price on account of the five per cent extra duty That being so, viz, if five per cent extra raises the price of all imports from the United Kingdom this would mean that the Indian consumer would be paying very nearly 2 crores of rupees for the benefit of Lancashire It may be said that I am exaggerating the result But I should like to know from the Government if the figures which I am giving are wrong, what are the correct figures I want to know how much you are calling upon the consumer to pay to Lancashire in order that she may be able to sell her goods at higher rates in the Indian market and thus protect her industry I would read a press telegram which is very significant The President of the Manchester Chamber of Commerce issued a statement in which he said

"While they are profoundly dismayed at the increased duty, they could not fail to recognise the gesture of the Government of India proposing an additional five per cent duty on non-British goods, although it will not suffice to compensate Lancashire for the disadvantage of general increase"

Well, Sir, if this will not suffice to compensate her, if the compensation is not sufficient, it is, according to the admission, some compensation at least And I want to know what is the total amount of compensation which we are providing to Lancashire Surely, Sir, if any compensation is being provided, it could only be provided at the expense of the Indian consumer I should like to know from the Honourable the Commerce Member as to what is the total amount of compensation which is sought to be provided to Lancashire at the cost of the Indian consumer. However, Sir, the fact is clear, and to my mind it seems that it should be clear to those who represent Indian interests, that we are being asked to protect the Lancashire industry at the expense of the Indian consumer Now, Sir, Government may protest that that is not so, although they owe to me a reply to my question as to what is the compensation which we are providing

But Government may say that they are not giving any compensation. Will that convince any impartial man who carries a head on his shoulders? I will put another simple question Either Lancashire competes in the Indian market against Japan, or it is competing with the Indian products, or it is competing with none There could be only these three alternatives. Let us examine this point more fully. If Lancashire is competing

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with Japan in the Indian market, is it fair that Japan should be handicapped by the imposition of 5 per cent extra, which will mean higher prices to the consumer? If Lancashire is competing with Japan, then surely it is the duty of Government to put both the countries on the same level, so that there may be free competition, and the consumer in this country may get his requirements at a reasonably low competitive rate My friend, the Commerce Member may say that Lancashire is not competing with Japan Then is it competing with the Indian products? If that is so, is it fair that two thirds of the imports should be left practically untouched? Is it not fair that we should get equal protection against Lancashire also? Then, Sir, if there is no competition either with Japan or with the Indian products, then for whose benefit is this five per cent extra being imposed on Japan? Why should the Government be so chary of accepting the amendment which is proposed to be moved by the Leader of the Opposition, Pandit Malaviya, which imposes 3½ annas per pound on all imports? The very fact that Lancashire is producing only finer goods should be a sufficient safeguard for Lancashire, because if my Honourable friend the Commerce Member would calculate, he would find that 3½ annas per pound on finer goods will not go above 15 per cent It will be practically inoperative Therefore I want to know why it is that Government feel hesitation in accepting that amendment, if Lancashire is competing neither with Japan nor with India My suspicion is that, even if there may be small competition today, the object of Government seems to be to help Lancashire in wresting from Japan the territory which has been lost in the last two or three years The very fact that Government feel hesitation in accepting Pandit Malaviya's amendment clearly proves that Government are not acting in this matter in the interest of the Indian industry If I accept their argument that protection is proposed on the basis of competitive goods I want to know why it is that Government want to tax Japan, even in the case of finer goods, where there is no competition, and why she is leaving alone coarser goods from Lancashire, where there is competition The competition may be small but why can you not impose a 3½ annas duty, which will leave all the finer goods untouched, and tax those coarser goods which are coming into competition? The very fact that Government hesitate shows that their *bona fides* are not above suspicion

It might be said by my friend, the Commerce Member, that there are administrative difficulties in accepting Pandit Malaviya's amendment He might say that it is not possible to collect 3½ annas per pound specific duty on all imports May I ask, why this so-called difficulty was not pointed out to the millowners' representatives when they met the Commerce Member at Delhi and suggested 3½ annas all round? If the administrative difficulties exist, surely they should have existed even at that time But so far as I know, not much objection was raised on the ground of administrative difficulties I again inquire whether these administrative difficulties are so insuperable that this could not be accepted? I am afraid it is all very nice to say this to laymen, but those who have got some experience of trade know very well that it is not the administrative difficulties which compel Government to reject Pandit Malaviya's amendment, but, it is because, if they accept this, they will be putting Lancashire and Japan on the same basis They will be allowing free competition, and they will not be able to grant that protection to Lancashire which they want to That is the whole proposition I therefore strongly urge that,

if we have got any self-respect left in us, we should reject it and tell Government that we are not prepared to accept their proposal It is most humiliating that this protection has been mixed up with a policy of preference. We have been crying for protection for the last three years The Tariff Board made a recommendation that the Indian cotton industry deserved protection Government rejected the Tariff Board's recommendation and now, taking advantage of the plight and bad condition of the cotton industry, they come forward with a proposal, which is most humiliating to the country and particularly to the millowners, and they say, with pistol in hand, that either they must accept both protection and Imperial Preference, or reject it and go to the dogs This is the situation in which they have put the Indian cotton industry, and I say that if any self-respect is left in the millowners, they should declare a lockout and say to Government that they do not want to go to the dogs They may ask Government to go to the dogs, but they should refuse to consider this most humiliating proposal I am afraid they have not got that courage, but surely it is the duty of this House to say that we are not going to stand this humiliating proposal and we are not going to accept it If Government carry this proposal by the strength of their own votes, let them do so, but I want every one of the Honourable Members to reject this proposal

Sir, I have stated my objection very briefly My friend, Mr Shanmukham Chetty, when he discussed this Bill, said he wanted to dwell on three aspects First, whether the industry deserved protection I think there could be no two opinions about it The industry does deserve protection Secondly, whether the protection was adequate, and here I differ from my friend Mr Chetty I say the protection is not adequate I do not want to make any prophecy, but I shall not be surprised if, in spite of this protection which you are giving, the Bombay mills knock at your doors again next year and suggest that they are dying and require more protection I will not blame the industry if they do so, because you are not giving them adequate protection, and if they knock at your door again, it will be because of the fact that you are not giving them adequate protection I maintain that the protection is not adequate The third point of Mr Chetty was whether the effect of Imperial Preference was injurious to the industry and the economic interests of the country I think Sir, I have proved at least to those who want to see with their eyes open, that it is injurious to the economic interests of the country I hope I have proved that we are protecting Lancashire at a cost which may fluctuate between 1½ to 2 crores of rupees per annum, and I ask this House to ponder seriously on the question whether they will be serving the interests of this country by accepting a proposal which is calculated to promote not our interest but the interest of Lancashire

But, Sir, I want to say a word to Government also If they think that, in the existing humiliating circumstances they could impose something on us, they are very much mistaken I think, Sir, almost every politician from time to time has said that, when we get full responsible government, Dominion Status Swaraj,—by whatever name you may call it—practically every politician has said that he will be prepared to consider very favourably any demand which may come from the British interests But, Sir, what you are doing at present is, that you are stiffening the attitude of the people If you think you can impose Imperial Preference on us with impunity, you are very much mistaken You are stiffening

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the attitude of the people towards your interests, and I would tell the Government and those who are interested in the Lancashire industry that, by this proposal, they are doing more harm than good to Lancashire (Hear, hear) The advantage which they think they are going to get will at least be a temporary advantage I would be the last person, therefore, even from the point of view of Lancashire, to impose such a thing on the people at this stage, when the political situation is so unsettled I have spoken to my friends, the millowners, of the disadvantageous situation in which they are putting themselves and I will tell them that, by accepting this proposal, they are doing the greatest disservice to themselves First of all they are alienating sympathy of the people (Hear, hear) What Mr Chaman Lall and Mr B Das said represents to some extent the opinion of a section of the country People are already hostile to the Bombay mill industry And, Sir, if they are so indiscreet as to associate themselves with the proposal against which even the Government of Lord Curzon fought in 1903, I am sure they will be inviting the greatest condemnation on themselves Even from their point of view, in their own interest, they are making another mistake May I ask them why did they not get protection in 1927, and why should they get a little protection now? It was because, in 1927, the imports from Japan were not large The ratio was not of one-third to two thirds as at present At that time any protection to the Bombay mills meant hitting Lancashire to the extent of 80 per cent They are getting protection today because the Lancashire interests have dwindled down to 66 per cent, and if they help the Government, if they help Lancashire in wresting the lost territory from Japan, and if, after two years, it is found that cent per cent trade is captured by Lancashire, they may take it from me that, if they want any protection in future, they will be knocking their heads against a wall of stone It is impossible for any Government, until we get responsible government, to fight against the Lancashire interests and, Sir, what they are doing at present is inviting death for themselves If they have got sense enough, they ought to see But, Sir, as I said, they have lost their nerves, and it is the duty of this House however impatient the Bombay millowners may be, it is the duty of this House to see that, in their impatience, they may not do something which is against their own interest and against the interests of this country With these words I oppose the principle of this Bill (Applause)

Mr. M. A. Jinnah (Bombay City Muhammadan Urban) I have listened, Sir, to the speech of my friend, Mr Birla, and other speeches with the greatest possible attention I am, Sir, face to face with the practical proposition A good deal of what he has said appeals to me very much about self-respect and the sentiment of the people and the opposition of the public to Imperial Preference Sir, I want to place before this House, in the first instance, what is the constitutional position of this Assembly *vis-a-vis* the Government of India The history of the protection of this industry and the past history of obstructing the development of this industry is very well known We all know it Sir I would not go beyond recent times, the Fowler régime, the free trade doctrine, of which my friend, Mr. Arthur Moore, is still a faithful follower and believer in this country, but not in his own I suppose, the continuation of the excise duty, which was only repealed three years ago, I think, and so on, and I will not say anything more than this, that it has been recognised in every fair

and just quarter that it was politically a blunder, morally wrong and commercially unsound But just as we found the excise duty was repealed, we were presented with the ratio question Now, I know the Honourable Member considers this as a very sore point when we mention this ratio. But even the Tariff Board admitted, in the inquiry of 1927, that at any rate, putting it in a most favourable light, the repeal of the excise duty, which gave them relief, was at least wiped off by this ratio if not more. But there are other people who seem to think that it gave an advantage to the import of foreign textiles industry of 12½ per cent Sir, fortunately, we have made some progress since that policy, as I said, the Fowler and Hamilton policy, and the progress is this, that we have got now our charter—I do not use the word seriously—in the observations of the Joint Parliamentary Committee and those observations I will read They are these

"Whatever be the right fiscal policy for India for the needs of her consumers as well as for her manufacturers it is quite clear that she should have the same liberty to consider her interests as Great Britain Australia New Zealand, Canada and South Africa In the opinion of the Committee, therefore, the Secretary of State should as far as possible avoid interference on this subject when the Government of India and its Legislature are in agreement, and they think that his intervention, when it does take place, should be limited to safeguarding the international obligations of the Empire or any fiscal arrangements within the Empire to which His Majesty's Government is a party"

Because, after all the Secretary of State for India forms part of the British Cabinet, and the British Government could only hold office or be in power if Parliament approves of their policy And there wasn't a Secretary of State for India who was bold enough, or courageous enough, in the interests of India, to allow his party to be defeated on the floor of the House and face dissolution So, to this extent now, Sir, we are in a better position But what is our position now under this convention? Our position is this that if there is agreement between the Government of India and the Legislature, then a measure can be enacted, it can be an accomplished fact Sir, quite recently, in a speech, the Secretary of State for India, Mr Wedgwood Benn, said that no Secretary of State for India—I will use his own words—he mentioned this convention, and having mentioned this convention he said this

"As an opponent of tariffs, I would never stir one inch from that definition of principle because the principle of self government is far greater than what I would call the matter of fiscal commonsense Nor would any Secretary of State attempt to lay a finger upon this principle of tariff autonomy which has been established in practice for 10 years in Indian affairs"

Mr. President: What book is that?

Mr. M. A. Jinnah: Parliamentary Debates Hansard, page 1552 Now, Sir, the Government of India *vis-a-vis* this Legislature, are unrestricted, unfettered, in their power to deal with matters like tariffs, as they may in their opinion think best, and the Government of India have taken the initiative and put this proposal before us Now, Sir, it is a great anomaly. India is not a Dominion, this Legislature is not a sovereign legislature; this Government is not responsible to this House, and how are we going, in this matter, to act as a Dominion would, like Australia, Canada or New Zealand?

Mr. President: By convention

Mr. M. A. Jinnah: That is exactly where I am making clear our position I want the House to understand why I am taking this trouble, because it has been assumed in some quarters of the House as if we are masters of the situation and some Honourable Members actually—I am not here to defend the mill management or my friend Mr Mody—but some of them said, "You come before us with a beggar's bowl, but you do this and you do that first and then we will consider" Sir, let us see what is our position, whether we are also not carrying a beggar's bowl before the Treasury Benches, and I want Honourable Members to realise fully their position .

Mr. President: Not in the matter of fiscal autonomy?

Mr. M. A. Jinnah: Sir, if you will permit me, I will convince you also Let us see what the position is The position is this The Government have the right to take the initiative This Legislature can only reject it, but if this Legislature wants to modify any measure which the Government propose, and if they do not agree to it, then it falls

Mr. President: Are they bound to agree?

Mr. M. A. Jinnah: Sir, no person is bound to agree

Mr. President: Then is the fiscal autonomy a reality or not?

Mr. M. A. Jinnah: If you will tell me, Sir, if you will give a ruling that the Government are compelled to proceed with this Bill and put it on the Statute-book, no matter how we alter it, I am for it

Mr. M. S. Aney: May I ask the Honourable Member one question? Was it not given out by the Secretary of State as a proof of Dominion Status in action that India has fiscal autonomy?

Mr. M. A. Jinnah: That is how Honourable Members get deluded

Mr. M. S. Aney: Who attempted to delude us?

Mr. M. A. Jinnah: Why did you allow yourselves to be deluded? Why didn't you examine carefully, why didn't you try to understand your own power and your own right instead of saying, so and so said so and so? I may put a definite question on the floor of the House are you, Sir, prepared to give an undertaking a ruling that however I may modify this Bill, the Government are bound to accept it and put it on the Statute-book? I am for it

Mr President: That is what I understand to be the position in respect of fiscal autonomy

Mr. M. A. Jinnah: Sir, with great respect, if you give that ruling, I say that ruling cannot be enforced, but I am prepared

Mr. President: Nothing can be enforced

Mr. M. A. Jinnah: What is the good of your being deluded? That ruling, Sir, will have great respect, will have the utmost respect, but that ruling cannot have any effect whatsoever I want to know from the Government because—I know the constitutional position, and if I am wrong I want to know from Government, are they prepared . . .

An Honourable Member: Is fiscal autonomy given to the Treasury Benches or to us?

Mr. M. A. Jinnah: That is the error into which the Honourable Member has fallen What can I do? If you will allow me, Sir, I will ask the Government, are you prepared—because this is how I understand it from the statement which the Finance Member made and further augmented by the statement of the Honourable the Commerce Member I will read the statement of the Finance Member—paragraph 53 I don't want to make a long quotation, if you read it carefully, the effect of it is this that they are not prepared to modify their proposal embodied in this Bill and the scheme contained therein in any important degree, and that was made still more clear by the Commerce Member in his speech, when he moved this motion I think I am quoting him correctly, though I am quoting from my memory He said, he feared, speaking on behalf of Government, that it would be impossible for us to accept any sort of important change in the scheme of this Bill, or words to that effect?

Mr President: Did the Honourable the Commerce Member say that he was going to accept the decision of this House?

The Honourable Sir George Rainy (Member for Commerce and Railways) What I said was this, when moving for the consideration of this Bill

> I should be misleading the House if I conveyed the impression that Government have an open mind or that they are prepared to discuss these various amendments on the footing that all of them are equally open for consideration I have no desire whatever to mislead the House on that point and indeed it would be entirely wrong if I did so Drastic changes in the scheme embodied in the Bill would, I fear, be impossible to accept but as regards one of these amendments namely, that which stands in the name of my Honourable friend Mr Chetty, I am willing to say that, after full consideration the Government are prepared to accept that amendment"

To that position, Sir, the Government of India, after full consideration, adhere In particular, the amendment, I think, in the name of the Honourable the Leader of the Opposition, and the second amendment standing in the name of Mr Iswar Saran and two or three other Members of the Nationalist Party, and I think a third amendment standing in the name of my friend Mr Acharya if any of these amendments are passed by the House, I fear it would be impossible for Government to proceed with the Bill

Mr. President: I am afraid that position is entirely inconsistent with the statement made by the Finance Member, that fiscal autonomy is a reality, and that it is an integral part of the constitution, and also the statement by the Secretary of State for India, made in the House of Commons in the recent debate, that India enjoyed the same liberty in the matter of tariffs as Great Britain enjoys

The Honourable Sir George Rainy: I think, Sir, it has been clear all along that what the tariff autonomy convention means is that, when the Government of India and the Legislature are in agreement, the Secretary of State will not exercise his power of superintendence, direction and control In any Dominion it would be necessary that the Government of that

[Sir George Rainy.]

Dominion and its Legislature should be in agreement before a decision on such matters could be arrived at. The difference of course is that in a Dominion automatic means are provided by which, when there are differences between the Legislature and the Government, they are at once adjusted whereas under the existing constitution in India no such automatic means of adjustment are provided.

Mr. President: Unless the Government of India are prepared to assimilate themselves to the position of Ministers and act as such in this matter of fiscal autonomy, this fiscal autonomy has no meaning under the present constitution.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): May I ask one question, Sir?

Mr. M. A. Jinnah: I am in possession of the House, Sir. I had, Sir, very little doubt in my mind, and that is why I stated the proposition in the form in which I did, so that Honourable Members may understand the exact position. But, Sir, after the reply given by Sir George Rainy on behalf of the Government of India there is now absolutely no doubt left in the amendments that have been tabled. There are these three alternative proposals. And, Sir, I may tell the House, because there is no confidence about it, that I myself wanted to move an amendment at first. Before tabling the amendment, I considered my position, and I came to the conclusion that, if it was not acceptable to the Government of India and if I carried my amendment, or if any of these amendments were carried, the one and the only result would be the wreckage of this Bill, as the Government may not proceed with the Bill further. Now, Sir, I may tell Honourable Members here that it is for this reason that I am not prepared, in spite of those sentiments which my friend Mr. Birla expressed, to take the responsibility of this Bill being wrecked. I find, Sir, that all along here, barring perhaps a few exceptions, every one recognises the immediate and urgent necessity for the protection of the mill industry. There are various reasons for it, and it has been argued in different ways, but the conclusion is the same, that the mill industry at the present moment is in a desperate condition, and that it needs urgent and immediate protection. And, Sir, nobody would say that it should not get adequate protection, or I will go further and say, effective protection. I entirely agree with my friend, Mr. Birla, that it is wasting the money of the consumer if you do not give effective protection to any industry that you want to keep alive. Because, what is the result if the protection is not really effective? The effect will be this, that whatever little money you put into the pockets of these industries probably will go to minimise the losses they have sustained or may enable some of them to declare a small dividend. That is not the principle of protection. The principle of protection, as I understand it, is this, that the consumer is ready to bear the burden as an investment, as my friend said, so that, within a reasonable time, the industry which they have protected will serve them and will give them the commodity they protected at a cheaper rate and drive out the foreign imports from this country. That is why you should give protection, and there is no question about it. But Sir, I will read now the words of Sir Victor Sassoon. Speaking on the Tariff Bill which dealt with the yarn duty in

1927,—it is a very instructive passage and I think the House will bear with me, and Honourable Members will realise that our position today is exactly the same as it was in 1927,—this is what he said:

"The position is this, that the mill industry is like a poor wounded man lying on the road Mr Jamnadas Mehta says this man needs an ambulance Mr Jamnadas is entirely right, he does need an ambulance to take him to the hospital, but all that is offered to him is a broken crutch He cannot go far or fast on this crutch, but he takes hold of it and stumbles towards the town in the hope that somebody will help him on the road But Mr Jamnadas says he should not take the crutch but remain lying on the road while he apprises the municipal authorities"

My friend Mr Birla wants the millowners to remain lying on the road and he will go and inform the Delhi municipality about it

Then, Sir Victor Sassoon went further, and said

"Unfortunately Mr Jamnadas cannot guarantee to us that we will ever get this ambulance or I would certainly join him"

Nor can my friend Mr Birla guarantee me the ambulance, or else I would certainly join him

Mr. T. Prakasam (East Godavari and West Godavari *cum* Kistna Non-Muhammadan Rural) May I interrupt the Honourable Member for a minute May I know whether it is his contention that the position taken by the Government, in defiance of the position dictated by the Secretary of State, is a correct one or not according to the argument of Government?

Mr. M. A. Jinnah: That point I have past I cannot go back on it now Then Sir Victor says

"Mr Jamnadas cannot guarantee to us that we will ever get this ambulance or I would certainly join him"

And somebody shouted out and said "Sir, it might be the funeral". Now, Sir, I am not prepared to face here in front of me the funeral, and I cannot, Sir, take the responsibility for the funeral of this industry. Of course, we are all agreed that this industry requires protection, it requires effective protection, it requires immediate and urgent protection, but if we cannot get the ambulance, Sir, I have no hesitation in saying that there will be a funeral of this industry, and I am not prepared to participate in bringing about that state of things

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions. Non-Muhammadan Rural) Are you delivering a funeral oration?

Mr. M. A. Jinnah: No, Sir But let me make my position clear that, as I understand the principle of Imperial Preference, it means this, either there should be a reciprocity arrangement between one Dominion and another Dominion, that is, one Dominion says I will give you certain advantages in return for certain advantages which you should give me That is one principle of Imperial Preference The other principle of Imperial Preference, Sir, is a voluntary gift It is open to a Dominion, as part of the British Commonwealth, to say that we will make a voluntary gift to you, provided it is not seriously detrimental to our interests It is open to you to say so Neither are we a Dominion, nor is this proposal based on the reciprocity principle, nor even does the Honourable Member or the Government say that we are making a voluntary gift Personally I am not satisfied with the reasons and the arguments which are put forward to

[Mr M A Jinnah]

support this scheme, but I think we ought to deal with this matter in a fair manner The Government themselves do not say that they are asking us to endorse the principle of Imperial Preference in their fiscal policy That is quite clear from the statement made by the Finance Member in paragraph 59 of his speech This is what he says

"I need not elaborate the further arguments which have been dealt with in our telegram, but I must before leaving this part of the subject emphasize once again one vital point which we have made We do not and in fact we could not ask this Assembly to commit themselves at this stage to accepting the principle of Imperial Preference We are asking them to regard this proposal merely as a special measure designed to meet the immediate emergency It is acting in this spirit that we propose that the special protective duties shall be imposed for a period of three years only and that at a convenient date before the termination of this period their effect and the whole position of the industry shall be re examined in a Tariff Board inquiry".

Mr. T. Prakasam: Do you justify that?

Mr. M. A. Jinnah: Beggars cannot be choosers I am not justifying a single thing, but I am only justifying one thing, and it is this (*An Honourable Member* "Don't have the mentality of a beggar") I wish we could act otherwise, but I shall not give my support to this measure being wrecked at this juncture That is all I am saying, and I do not want to use unfair arguments I must also recognise correctly and fairly what the Government position is, which is, we are not asking you to endorse the principle of Imperial Preference This is an emergent measure, and the whole question will be examined by the Tariff Board I for one have not got enough data and therefore it is very difficult for me to deal with this question I venture to say that this House is not committed to the principle of Imperial Preference It requires further examination

Mr. T. Prakasam: Are you convinced of the emergency?

Mr. M. A. Jinnah: Yes I am convinced of the emergency a hundred times over

Mr. T. Prakasam: For Lancashire?

Mr. M. A. Jinnah: I am not concerned with Lancashire I am concerned with my interests

Mr. T. Prakasam: Lancashire?

Mr. M. A. Jinnah: What is the good of this sort of interruption? Either my Honourable friend does not understand or will not understand me. The Government say that they have examined this question, and for the time being this is the best thing we can do and then there comes the appeal from His Majesty's Government I certainly wish that that appeal might have been left out. That appeal could only come properly to us for consideration if we were in a position and had the power to decide according to our judgment. I do not wish in any way to say anything which might be misunderstood. The Labour Party and the Labour Government have certainly shown their goodwill and good words, but good deeds still remain to be performed. I shall treat with all respect and

sympathy an appeal from the Government in office, namely, the Labour Government Not that I would have treated it without any respect otherwise This Government have shown goodwill, and certainly good words and good manners, and to that extent I would be only too glad if it were possible for me to show every consideration to that appeal. Sir George Schuster said to Pandit Madan Mohan Malaviya that if he was the keeper of his conscience, he would know that he put India's interest first. If the Finance Member, I would say, was the keeper of my conscience, he would find that I have no ill-will against Great Britain I have no desire to do any injury to Great Britain but, Sir, I must say that I love India first, and I must stand for the interest of India every time Whenever a question of this kind has got to be considered it depends a great deal upon the angle of vision with which you approach the question, and it is quite possible, and I do not challenge that for one single moment that the Honourable Members there have honestly and sincerely come to the conclusion that this is the best service they can render to India at the present moment with regard to this problem

There is one word more which I wish to say about Japan Several telegrams have been sent to me and to other Honourable Members of this House from various important and influential bodies in Japan I wish to say this All credit is due to Japan for her wonderful organisation, for her skill, energy and ability We are proud of this great nation, particularly as it is an Asiatic nation It stands among the foremost nations of the world and we are proud of that We have no unfriendly feeling against them, but I think they must also realise that we are not yet masters in our house And therefore we cannot do as we please

1 P M But we are also obliged to think of our interests first I quite see their point of view, that this protection, this differential duty, does mean an advantage to the United Kingdom goods against Japan I quite see also, apart from the argument of Mr Birla, that even the finer counts are in a way competitive goods But apart from all that, it is admitted by the Government, subject to Mr Chetty's amendment, that 12½ per cent of the United Kingdom goods are admittedly competitive goods Mr Chetty's amendment has reduced that percentage of 12½ per cent to now about 8 or 8½ per cent roughly To that extent, Government have yielded as far as the United Kingdom is concerned I quite realise all that But what did Mr Birla say? He said "If the protection is not given by the end of May, almost all the mills will close down and will have to resort to lock-outs" Do you want me to take that responsibility? I cannot, I will not

Dr. B. S. Moonje (Nagpur Division Non-Muhammadan) Throw that responsibility upon the Government

Mr. M. A. Jinnah: Government have made their position quite clear. The responsibility is entirely theirs for this but speaking for myself and my party, we are not in a position to endorse the scheme of the Government We are not yet satisfied with it They themselves have made it clear that it is subject to further examination But as an emergency measure, I cannot oppose this Bill for the reasons I have given, and if we find that this Bill is in danger, we reserve the liberty to act as we may think proper and it seems that in that case we shall be obliged to support the Government.

Sir Zulfiqar Ali Khan (East Central Punjab Muhammadan): Sir, I think it is the duty of all Members to consider this measure very carefully before they pronounce any responsible expression of opinion in this House and it is with that full sense of responsibility on this occasion that I venture to express my opinion. Sir, I am convinced that sometimes one feels in this House like Alice in Wonder-land. I have had the benefit of hearing long speeches and the wisdom I have drawn from experience is that I should make short speeches and only deal with facts. Now, Sir, with regard to the measure before us, it touches and involves so many different interests that I may say that the principal interests involved are the interests of the producer, the interests of the millowner in India and the interests of the consumer. With regard to the interests of the producer my own province, the Punjab, I venture to say, has a great deal to say. In the Punjab, as the House is aware, we have built up a magnificent edifice of agricultural industry. Although the land there is greatly depreciated, still it commands very high prices, and our rural classes are, reasonably speaking, much better off than those of any other province in India. These rural classes have gained on account of the export of wheat and cotton. In the Punjab, large areas are assigned to these two crops and it is due to these agricultural operations that our prosperity is due. Now, Sir, if there is any competition in buying cotton in India, it is a self-evident fact that the producer in India gains a good deal. But if you eliminate such competitors, there is no doubt that the producer, for example, in my own province, the Punjab, would be badly hit, and for this reason my primary duty is to give expression to the view of these rural classes in the Punjab. Japan is a very good purchaser of cotton in India and so is Lancashire. If Japan, on account of the protective duties, is eliminated from competition for the Indian cotton, then, I am afraid, the depreciation of the value of cotton will prejudicially affect the land also. Our prices of land in the Punjab, as I have already said, range very high, and this is a great gain to the rural classes. But if cotton depreciates or goes down in value, then the value of the land also decreases. This is one consideration.

The other consideration is that this Bill involves a loss to the consumer. If Japan can outbid or undersell Lancashire, then the consumer in India naturally gains. As we have seen, Lancashire's trade, on account of competition with Japan, has greatly decreased and suffered. I have no doubt that the Honourable Member here present, feeling the great necessity of helping both the producer and the consumer, will tend towards the opinion to reject this Bill. There are however greater and mightier problems involved, and I would humbly request my Honourable colleagues that they would liberate their minds from the yoke of entrenched prejudices and approach this problem with a wider vision and the imagination of true statesmen. All the speeches that I have heard so far, during the course of the last week had in them a very important ingredient and it was this, that Great Britain should bear in mind that India is expecting her to grant Dominion Status to her, and that the people here are on tip-toe of expectation, and that if these expectations and hopes are disappointed or frustrated, there would be great trouble. We are aware that, in order to achieve this object a great Ambassador of Peace in the person of Lord Irwin, the present Viceroy, has been striving to bring about some form of consultation which is known by the name of the

Round Table Conference and these round table experts going to England would settle the problem in conversation with the Cabinet there.

honour is due to him. I am not partial . .

Sir Zulfiqar Ali Khan: Experts they would be when they are selected from this vast population Lord Irwin deserves the support of all people in that, and I am perfectly sure that Members here will not refuse to give that support to him He is doing things in an honest and conscientious and bold manner He has set his heart on it, and for whose good? I dare say it is for the good of both England and India Nobody can deny that we have a great future before us if we only know how to act with tact and *savoir faire*. If I give honour to Lord Irwin, it is because honour is due to him I am not partial .

Mr. President: This is all irrelevant

Sir Zulfiqar Ali Khan: I am tending towards the relevant part.

Mr. President: I quite believe the Honourable Member

Sir Zulfiqar Ali Khan: It will soon be before your vision, Sir Lord Irwin is striving for a great object, and I think we must help him towards achieving that object If India wants to approach nearer to that goal, if India wants to be put on a higher pedestal, then she must know that she cannot secure that object by fighting, because she is not in a position to fight, it would redound to her interest more to gain her object by negotiations I have no doubt that we have sense enough to see that the only way open to India to achieve her object is to carry on negotiations, and if possible to win over and conciliate opinion in Great Britain.

Mr N. C. Kelkar (Bombay Central Division Non-Muhammadan Rural). Does the Honourable Member support or oppose the Bill?

Mr. Fazal Ibrahim Rahimtulla (Bombay Central Division Muhammadan Rural) He has not yet come to the Tariff Bill

Sir Zulfiqar Ali Khan: Why is the Honourable Member in a hurry?

Mr. N. C. Kelkar: I would like to know in order to follow the Honourable Member the better

Sir Zulfiqar Ali Khan: The Honourable Members are used to longer speeches

Mr. N. C. Kelkar: But they were intelligent.

Sir Zulfiqar Ali Khan: It is only natural that, when I speak of India, I consider that my country must stand first But then, Sir, when I consider that my country has the first claim on my consideration and my devotion then whether it is my individual humble self or whether it is anybody else, he must courageously express his opinion before this House The question is whether India loses by accepting this Bill The danger as indicated by other speeches is that it may carry with it some form of Imperial Preference My Honourable friend, Mr. Jinnah, has carefully dealt with the question of Imperial Preference, and I may ask when Great Britain has practically granted and conceded tariff autonomy to India, then is it gracious on our part and is it wise, or even expedient, to use the weapon which she has placed in our hands against Great Britain herself? Now, herein lies the whole problem in a nutshell. Are we going to use that weapon against Great Britain which she has handed to us? Is it wise or expedient for us to use it against her?

Mr. M. S. Aney (Berar Representative): We may use it to cut our own throat?

Sir Zulfiqar Ali Khan: No, no. We are not doing so. We are keeping it in reserve, and if we find that our interests are not served by generous and liberal treatment of this problem, we can always use that weapon which is handed to us But now, this message from the British Cabinet which comes to us is significant, for if fiscal autonomy were not granted to us there was no *raison d'etre* for sending that message to us It is clear enough that they want your help at this juncture Are we willing to give that help to them? Is it in our interest to give that help to them? Shall we play the game? Are we capable of playing the game? I think all those Honourable Members who are sitting here, however wise they may be in their generation, will miss a great opportunity if they lose this chance of showing that they are willing to make material sacrifices to gain a great and lofty object Well, Sir, I for one would say, sacrifice in the interest of suitable Dominion Status Why are you suspicious? Do you think that, if you conciliate British opinion, even then you are in danger of being deprived of this position? I do not believe it You must be wise, you must be cautious in handling these questions. Will you gain by hurting, injuring and by denying to the British public what they have begged of you?

Mr. N. C. Kelkar: Sir, may I ask one question of the Honourable Member? I am trying to understand and follow him He has referred to the message from the Cabinet and the telegram In what connection does he take that message? Does that message relate to the increase of the tariff duty from 11 to 15 per cent or to the imposition of a 5 per cent additional duty? By that message what does he understand? Do they want to come down from 15 to 11 per cent, or to put up 5 per cent additional against Japan? In what connection between the two does he take that message?

Mr. K. Ahmed (Rajshahi Division Muhammadan Rural): Don't answer him; address the Chair (Laughter)

Sir Zulfiqar Ali Khan: I think the Honourable Member has sense enough to read between the lines. It is not for me to teach him or to interpret the meaning which is perfectly clear. I am helping him according to my lights and if he is not willing to follow the light he can follow whatever he likes

Sir, I should deprecate it very much if what I say is not taken or considered in its true perspective by my Honourable colleagues Am I, as an Indian, not willing to demand autonomy or a suitable form of Dominion Status for India? As a son of the soil am I not as anxious as these gentlemen on my right to enjoy the status of men who live in the Dominions? If these my Honourable colleagues will only consider what is in the true interest of India I have no doubt—and I have great faith in their wisdom—that they will concede what may be to some extent material to them in the higher interests of India.

Mr. B. Das: Will the Government Members make that statement

Mr. President: Order, order.

Sir Zulfiqar Ali Khan: Then, Sir, supposing this little sacrifice is made, it is only for a limited period of three years. After that, the whole thing will go into the melting pot and you will give it any shape you like. But for three years, are you going to deprive the country of the chance of getting that status which our souls require, Dominion Status or any form of Dominion Status, that you are going to negotiate there? (*An Honourable Member* "Will you get it in return for this?") Not in return for this, but you are going to conciliate them in order to prepare the ground for yourself

I declare that if, on this solemn occasion, pettiness and narrow-mindedness are shown, and no regard is paid to the true interests of India, I am afraid these gentlemen will have to shake their heads in sorrow.

Sir, in the end I appeal to my countrymen to have some vision, a vision which will have before them the radiant edifice of a great country enjoying the liberty which God gave them originally but which they were deprived of But I do hope that, on this occasion, they will play the game

The Assembly then adjourned for Lunch till Twenty-Five Minutes to Three of the Clock

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The Assembly re-assembled after Lunch at Twenty-Five Minutes to Three of the Clock, Mr President in the Chair

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Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): Mr. President, it will, I think, be readily admitted, and with some confidence, that the majority of the Honourable Members of this House are now convinced that the textile industry of India requires protection and that it has been more than justified

But from speeches that we have heard up to now, there have been one or two Honourable Members who have expressed considerable doubt. Now, Sir, I am not going to burden this House with a large number of figures to prove that protection is necessary and justified I think the Honourable the Finance Member stated that a Tariff Board had not been appointed to consider this question in all its aspects. But a Tariff Board was appointed, and it did report in 1927 and the conclusion they came to was that protection was justified Unfortunately, the recommendations of that Board were not accepted by Government. Since then, several committees have been appointed, and lastly we have got a very valuable report by a Government officer who, I am pleased to see, is an Honourable Member of this House, which clearly shows that the competition which the industry has today to face is of a character which justifies protection. Now, Sir, I will put it to the Honourable Members of this House that from their own experience, they will be able to assert that Government do not propose measures of protection unless they are absolutely convinced The best proof that protection is necessary is the proposal of the Government, and I am informed that specially my Honourable friend, the Member for Commerce, is not easily convinced in such matters; that he requires facts, figures, proofs, before he comes to a conclusion, and therefore, if my Honourable friend, the Commerce Member, puts forward proposals for protection of an industry, I think this Honourable House may take it as convincing proof that protection is necessary.

Sir Cowasji Jehangir.]

Now, Sir, if I may be permitted to do so, I will deal with a few points that have been urged before this Honourable House by my Honourable friend, Diwan Chaman Lall, and if he does not consider it presumptuous on my part to do so, I may be allowed to congratulate him on his lucidity and eloquence I regret I cannot congratulate him on the logic of his arguments or the correctness of his facts Sir, Honourable Members who were Members of this House in 1927 must have heard my Honourable friend, Diwan Chaman Lall, with mixed feelings They must have been quite familiar not only with his arguments, not only with his quotations, but even with his language For, in looking up the debate that took place here on the 7th September, 1927, I find that my Honourable friend made a speech in this House (*An Honourable Member* "Not in this House, but in Simla.")—this House whether it was in Simla or Delhi—in this Honourable House, which is, word for word, a repetition of the one which he inflicted upon this House a few days ago Sir, I admit he made certain changes in his speech to suit the present occasion He also gave this House a few quotations from a Report that has come out very lately, but beyond those alterations, my Honourable friend's speech was nothing else but a repetition of his speech of 1927 He on that occasion informed the House that the mill industry of Bombay had, within a certain period, made large profits These are his words as reported in his speech of 1927, which he repeated practically word for word on the present occasion He said

"178 per cent of the total capital invested in the industry has been distributed in dividends to the share holders of this industry"

Now, Sir, I contend that it was not a fair statement of facts He employed a most unorthodox method of arriving at that figure In the Tariff Board's Report, there is a table which shows the dividends paid by the mills from, I think it was, 1917 to 1925, and my Honourable friend actually added up the percentages from the years 1917 to 1925 and came to the figure of 177 9 Now, Sir, I will ask any Honourable Member who knows the mere elements of statistics to say whether profits can be calculated in this manner I will give you an illustration Suppose a company makes a profit of 5 per cent a year and in ten years, it will be 50 per cent Can it be said that that company has paid 50 per cent dividends in 10 years? It is only 5 per cent a year, 5 per cent which the shareholders are justified in getting If you say 50 per cent in 10 years, it sounds a big amount But that was not the only mistake He made another very big mistake He has said that this profit is the profit on the capital invested in the industry. It is nothing of the sort. If he had looked more carefully . . . .

Diwan Chaman Lall: On a point of personal explanation, Sir I never said anything of the sort. The Honourable Member is misquoting me. What I said was this. "This is the dividend paid on the paid up capital, as reported by the Tariff Board during these years."

Sir Cowasji Jehangir: Here is the quotation, Mr. President, word for word, my Honourable friend cannot deny it, it is in cold print: "178 per cent of the total capital invested in the industry has been distributed in dividends to the shareholders of this industry." (Diwan Chaman Lall rose to interrupt.) The Honourable Member will not be able to interrupt me.

Diwan Chaman Lall: The Honourable Member is non-sensically misquoting me.

Sir Cowasji Jehangir: I am not misquoting him Honourable Members of the House are the judges "178 per cent of the total capital invested has been distributed", he said, and he had deliberately intended to mislead this Honourable House.

Diwan Chaman Lall: Time and again I have stated that the capital I have taken is paid up capital

Mr. President: Order, order The Honourable Member is not willing to give way.

Sir Cowasji Jehangir: All I can say is that I read it in cold print, I cannot go behind it, I cannot know what he really intended to say. Well, Sir, what he did say, was that the companies paid in Bombay dividends to the extent of 178 per cent on the money that was invested. If he had looked further into the Tariff Board's Report, he would have found a table which shows that, even according to his unorthodox method of calculation, the percentage was 80 and not 178 Well, Sir, I will leave that point, and my Honourable friend may convince this House and myself on another occasion But my Honourable friend seems to forget little and learns less, for on that occasion Sir Victor Sassoon pointed out that the profits of the companies in Bombay had been 7½ per cent. for the 10 years preceding the date on which the speech was made. I now understand that, taking the lean years that have occurred since then, the profits are 5 per cent If that is making very handsome profits during a period of years, it is for this Honourable House to judge Then, Sir, my Honourable friend accused the mill industry of Bombay of frittering away their profits, but he forgot, I do not say deliberately, it may be out of ignorance, he forgot to tell this House that Japan also gave large dividends in their years of prosperity

Diwan Chaman Lall: They are not asking for protection?

Sir Cowasji Jehangir: I must admit what my Honourable friend said about the reserves taken by the Japanese mills The Japanese mills did take large sums to reserves, larger sums than in Bombay, but my Honourable friend forgot to tell this House that the Japanese mills were working double shift, and that the depreciation on their machinery was much more than 100 per cent of the depreciation in Bombay. If my Honourable friend knows anything of the industry, he would have known that working double shift means a much greater depreciation of machinery. Then my Honourable friend said the Ahmedabad mills conserved their profits, and that is why they find themselves in a better position than the mills in Bombay. I have been able to obtain the figures for Ahmedabad and Bombay for the years 1921 and 1922, and if you, Sir, will forgive me, for inflicting upon the House just a few figures, I will illustrate what I mean In Bombay the dividend on gross profits in those years was 58 per cent., in Ahmedabad it was 65 per cent. Depreciation on gross profits in Bombay was 21 per cent , in Ahmedabad 16 per cent. I think these two comparative figures will show that, in years of prosperity, Ahmedabad was no more conservative than Bombay. Now, Sir, just to conclude this point, I would like this Honourable House to know what

[Sir Cowasji Jehangir.]

the Tariff Board has to say, as my Honourable friend drew a good many of his arguments from figures obtained from the Tariff Board's Report:

"We would again emphasise the view put forward in the preceding paragraph. Neither over capitalisation nor the unduly high dividends in the boom period can be said to be the cause of the subsequent depression."

Sir, that is the opinion of the Tariff Board which was so freely quoted by my Honourable friend when he said that the present condition of the industry was due to its extravagance and profligacy during prosperous years

Diwan Chaman Lall: Over capitalisation accentuated the depression; that is what the Tariff Board said in paragraph 39 Quote correctly.

Sir Cowasji Jehangir: Then, Sir, he drew a lurid picture of the housing conditions of the working classes in Bombay I think I am right in saying that most Honourable Members who have been to Bombay know that we are ashamed of the housing conditions of the labouring classes in the city, and I know, Sir, that the Honourable Members of Government on the opposite side are fully aware of the conditions But did my Honourable friend, Diwan Chaman Lall, when he drew that lurid picture of the conditions of the poorer classes in Bombay, tell this Honourable House, what the mill industry has done to better those conditions? That was not convenient to his argument, so he left it out Now, the mill industry in Bombay has spent 75 lakhs of rupees in the construction of chawls Some owners of mills have done that, and over and above that, the industry makes a contribution of about 10 lakhs a year to the Government housing scheme Well, Sir, I am quite prepared to admit that, on account of certain circumstances which I am not now going to explain, the housing conditions in Bombay have not been perfect, but the accusation that the mill industry in Bombay has done nothing is not true, is an incorrect statement of facts placed before this Honourable House with the object of biassing them against any proposals for protection Now, Sir, my Honourable friend glanced through a book or two and came forward with the bold statement that wages in Japan were higher than in Bombay. The only figures he gave this House were that the average wage of a woman worker in Japan was Rs. 40, but in Bombay the average wage of a man was Rs 30 to 35 Quite correct, but he stopped there, he went no further; he did not tell this Honourable House what work the woman does in Japan, as compared with the work done by the man in Bombay I will give just a few figures, Sir, if you will pardon me. In Japan the wages of a woman weaver are Rs 2-4 per day and she works from 5·5 to 6 looms The wages of a man weaver in Bombay are Rs. 2 per day, and he works two looms. Which costs more, and which is cheaper, Japan or Bombay? Let me quote some further figures. In Japan a woman gets Rs. 1-14-6 a day for 600 spindles; in Bombay, a man gets one rupee per day for less than 200 spindles And perhaps my friend will admit that the wages in Japan are much lower than in Bombay, and what is more is this. These wages include the expenses incurred for welfare work and recruiting charges. I think the argument that Bombay gets its work done cheaper than Japan has been completely exploded long ago, and that to have come forward with an argument that we pay much less for our workmen in Bombay than in Japan is, to say the least of it, perfectly incorrect.

Then, Sir, my Honourable friend went on to talk about the sweating of labour in Bombay, and he gave as an example the methods adopted by a certain group of making their labour work more looms than they are doing at present without paying them anything extra. It is a perfectly incorrect statement of fact again, Mr. President. It is true that the efficiency scheme of a certain group in Bombay did include a scheme to try and make the workmen look after three looms instead of two, as suggested by the Tariff Board, but gave them 33⅓ per cent more wages The result was the strike Now, Sir, before my Honourable friend goes into the question of the efficiency of the management in Bombay mills and the question of the efficiency of labour, I would like him to go into question of the efficiency of some of the labour leaders in Bombay, and if he would only be instructed on this important point, he would find that, to some extent, the actions of some of the labour leaders in Bombay were responsible for the inefficiency of the workmen, and if my friend wants to know what is done in Japan with such labour leaders, I would refer him for further knowledge to his friends the Japanese, for whom he has acquired such a sudden affection Mr President, we know what short shrift labour leaders who are up to mischief get in Japan. My friend talked a great deal, as I have already said, about the want of efficiency of our workmen, and if he will only attempt to improve the efficiency of the labour leaders he will have done a great service to the mill industry

And, Sir, while asking for guarantees as to what amount of the so-called profits—I do not know on what—the mill industry should give to labour if these proposals of Government are passed, I would like my friend to give a guarantee in return that he will see that the efficiency of labour is improved Is he prepared to give that guarantee?

Diwan Chaman Lall: It is your business and not mine

Sir Cowasji Jehangir: He says it is our business and not his It is his business to criticise; it is his business to throw the whole question into confusion, it is his business to go and abuse an industry that has served India so well; it is not his business to help the industry; but it is his business to agitate; it is his business to set up labour against capital; it is his business to see that labour is as inefficient as can be; it is his business to see that labour does not work and it is our business to see that the millions of the population of this great country are clothed . . . .

Mian Mohammad Shah Nawaz (West Central Punjab. Muhammadan): Why are your employees listening to the labour leaders and not to you if they are paid well?

Sir Cowasji Jehangir: I will give a very short reply, Sir. If labour leaders have the cheek to go and tell the ignorant, illiterate workmen that, by striking and agitating, they can get control over the mills, that in these days of starvation and hunger and short work their insides can be filled by strikes, is it not natural, I ask, that these poor ignorant workmen fall victims to the preachings and doings of the labour leaders?

Mian Mohammad Shah Nawaz: That is not a convincing argument at all

Sir Cowasji Jehangir: These labour leaders come to Bombay and deliberately incite the workmen to strike. The millowners are most anxious to do what they can to assist labour, and in spite of this, the labour leaders, in season and out of season, have gone on inciting labour with promises which they can never fulfil, to strike and not to do any work. That is the short answer. 3 P.M.

Mian Mohammad Shah Nawaz: That is not at all convincing.

Sir Cowasji Jehangir: There are so many points and so many fallacies that my friend propounded that I do not propose to go into all of them, but I must draw attention to one fallacy that he propounded He took up a big book and tried to throw it at the head of my friend Mr. Mody. Luckily no physical injury was done. He asked him to point out the articles of the Washington Convention which the Japanese have not honoured in the spirit as well as in the letter Sir, he need not have referred to that big book, he could have got it in the Tariff Board's Report There that article is given very clearly and in a very concise form It does not want a man of high literary ability to understand what that article means It says that no woman, and no child shall work at night and that a night shall be defined as 11 consecutive hours, which should include the hours from 10 at night to 5 in the morning Now, Sir, he admitted that the Japanese work two shifts of 8½ hours, or 17 hours, and that in those two shifts women are made to work May I ask how the Japanese can conform to the Washington Convention unless my friend thinks that in Japan a day consists of 30 hours instead of 24 hours? What is more, Sir, is this I know as a fact that that Convention has not been ratified by Japan, while it has been ratified by India.

Diwan Chaman Lall: You are wrong.

Sir Cowasji Jehangir: Still he says I am wrong. I fear, Sir, that my friend has missed his vocation. He should have been an actor. I am quite ready to admit that the loss would have been ours in this Assembly; and the stage would have gained, I am quite prepared to admit that we should have lost a congenial and jovial friend; but still I feel that my friend has missed his vocation; he should have been an actor not a labour leader, because the whole of his performance before this House with his incorrect facts and figures was a good piece of acting I am quite prepared to admit that the millowners of Bombay are not perfect by any means; I am also prepared to admit that the housing conditions of our labour are not perfect in Bombay I am further prepared to admit, that the industry is not run perhaps under certain owners quite as well as it might be; but, Sir, I am not prepared to admit all the accusations that have been made before this House by my friend Diwan Chaman Lall. I want to be fair I will come to now to one more point

Mr. President: Not about Diwan Chaman Lall?

Sir Cowasji Jehangir: I will leave my Honourable friend to his conscience. I would like Honourable Members to visualise the condition of this country if there had been no indigenous textile industry. Would not the foreigner then have bled white the poorest of the poor consumers? Has not this industry for the last 50 years clothed the poorest of the poor, and did it not help to keep down prices, and has it not, during the last few years, paid out of its own capital, losses which have tended

to keep down prices? Wipe out that industry and our foreign friends will become masters of the market and will raise their prices against the poorest of the poor You will have lost, Mr President, the only insurance in this country against profiteering if you lost the mill industry of this country I would ask Honourable Members to look upon this aspect of the case and I would also ask my Honourable friend Mr. Ghuznavi to consider what the mill industry has done for this country. I will not go into his speech. A good deal of it I could not understand It lasted for a long time and I do not propose to deal with it I will also leave him to his conscience. But I will ask him to consider the position of the poorest of the poor in this country If he insists on not giving protection, it means his insistence on closing many of the mills The effect on the poorest of the poor will be disastrous

Before I conclude, Mr President, I should like to touch upon the question of Imperial Preference It could be better done when we come to the amendments, but since so much has been said, I would like to give this Honourable House what is the best definition I could get of Imperial Preference It is as follows

"The principle of Imperial Preference is that each part of the Empire shall give specifically favourable treatment and facilities to the products and manufactures of other parts of the Empire"

That is the most authoritative definition of Imperial Preference that I can find It means that any Dominion that accepts this principle, on every occasion that it has to consider duties or tariffs must keep prominently in mind the interests of other parts of the Empire. I am not prepared to accept that definition, and I contend that no Dominion has accepted that principle in practice, in the sense of acting up to it. Mr. President, whether that principle actually applies to the proposals of Government or not, I do not mean to discuss just now The opportunity will arise when amendments are moved, but I think it is only fair to say that it will have to be proved even now that no injury is done to India by the preference shown to Great Britain I am prepared to go into that question at a later stage of this Bill.

My Honourable friend, Mr Birla, talked about the protection not being adequate I was not able clearly to understand what he meant by adequate If he meant to say that the protection was not adequate to enable the mill industry of India to overcome all foreign competition, including that of the United Kingdom, I agree with him The protection is not sufficient to enable the mill industry of India to capture all the trade that is in the hands of foreigners today, but if he meant to say that the protection was not adequate to help the mill industry in its present difficult position, that it is not capable of helping the industry to get out of the most depressing condition in which it is at present, I cannot agree with him. It was clearly stated by Government that it is a transitory measure, that it is only intended to help the industry for the next three years to get into its old position, and at the end of the three years, Government and this Honourable House will have to consider whether that protection should not be increased to enable the industry to develop and capture the market in India in all grades. Well, Sir, I believe that my Honourable friend, Mr Birla, talked about the protection being inadequate in the first sense, but we clearly understand the position and we clearly realise that it is only a temporary measure. We hope for better things to come.

[Sir Cowasji Jehangir.]

Mr. President, I do not propose to take this Honourable House at this stage through a mass of figures. I have got a file full of them. I propose to keep them for the next stage. I cannot at present agree with the figures given by my Honourable friend, Mr Birla. He has told us that our demands in this country are 3,600 million yards I am not sure that that figure is correct These are hypothetical figures. All our figures are more or less hypothetical

Mr. Ghanshyam Das Birla: What are your figures?

Sir Cowasji Jehangir: He has taken the imports *plus* the highest capacity of manufacture of mills in India and calculated the total demand of this country I do not approve of the method of calculation But if I go further, I will be led into placing before this Honourable House a mass of figures that I have got ready which really are intended to be considered and discussed when we come to the next stage I can only appeal to this Honourable House to allow us to come to that stage, and when we do come, I trust it will be shown that the proposals that are before us are not for Imperial Preference Under those circumstances, Mr President, I would ask each Honourable Member not to be guided by the fact that we are asked to swallow the pill of Imperial Preference. Government themselves have told us that they are not committing us to Imperial Preference I am certain they knew very well that there would be very few Honourable Members in this House who would be prepared to commit themselves, and the very fact that Imperial Preference is not a principle of the Bill is proved by there being amendments on the agenda which do not give preference to the United Kingdom If Imperial Preference had been the principle of the Bill, such amendments would have been out of order and therefore Imperial Preference is not the principle of the Bill before us But that Imperial Preference has been most prominently brought before this House, nobody can doubt, and therefore I have nothing to complain about Honourable Members arguing on the merits of Imperial Preference. How can I complain when I myself have been protesting against Imperial Preference, but I would ask Honourable Members to reserve their judgment for a day or two before coming to a definite conclusion that this Bill should be turned down

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, I have not been a very friendly critic of the Bombay millowners in the past and therefore I want to explain my position by saying that, on the present occasion, I am quite prepared to give adequate protection to the mill industry of India When I had occasion to criticise the Bombay mill industry in 1927, the circumstances were quite different. The Government proposals themselves were halting and were not in accord with the recommendations of the Tariff Board. Three years have passed by, and we find that, although the condition of affairs which was related to us in 1927 in justification of protection, applied more strongly to Bombay in those days than to the rest of India, today it cannot be denied that the entire textile industry of India is suffering from a depression and has got to be protected. Hard things have been said by some of my Honourable friends against the Bombay millowners. It is no doubt true that things were quite abnormal in the Island of Bombay so far as the textile industry is concerned a few years back. But Bombay on that occasion was only suffering from an economic insanity that was ranging in most parts of the

world in an epidemic form Even Lancashire itself was a prey to that malady. I remember to have read in the Report of a Committee that was appointed in 1924 under Lord Balfour's chairmanship that, in a very large number of concerns in Lancashire, there was over-capitalisation of the same nature as we find to have happened in Bombay. Similarly, inefficiency of organisation, absence of centralization, absence of rationalization—all these charges used to hold good in respect of Lancashire in those days as they did in the case of Bombay It may be that, in Bombay, owing to her sins of commission and omission, or because of the fact that she is subject to the evils of the Western commercial methods to a large extent than the other manufacturing centres of India, when the depression came it fell in its full blast on Bombay, but its effect was not felt so keenly in the other centres of textile manufacture But, Sir, as I said, that depression is now being felt almost all over India, though in varying degrees I want to make it quite clear that, pledged as I am to see every industry of India getting the support that it deserves at the hands of this House, I am not (Interruption by Mr B Das) My Honourable friend Mr Das corrects me by saying that every national industry deserves assistance from this House But, Sir, I am not going to enter into a quarrel at the present moment as to whether the mill industry of India deserves to be called a national industry or not Whether the cotton industry is a national industry, as has been claimed by my Honourable friend Mr Mody, or whether it is an industry of great national importance, as it has been described to be by my Honourable friend, Dr Hyder, it makes no practical difference to me But although I am prepared to give adequate protection to the cotton industry of India, I am not prepared to accept the proposed method My Honourable and esteemed friend, Mr Jinnah, asks as to whether we are not prepared to allow even a broken crutch to the wounded textile industry of Bombay so that it may jog along the road for a little while till sufficient help arrives Sir, if I may vary the metaphor to a certain extent, I would say that I quite realise that the Bombay mill industry lies prostrate in the streets and is thirsty, and I am quite prepared to try my best to find a drink to allay the thirst of the Bombay mill industry. But I must do my best to prevent the Bombay industry from trying to allay its thirst with the help of a cup of water which I believe is laden with germs I am prepared, as I said, to try my best to find a cup of purer water for the Bombay mill industry But I am not prepared to assist the Bombay industry to commit suicide (Hear, hear) Sir, my Honourable friend Mr. Jinnah was one of those Indian leaders along with you, Sir, who laid the case for India before the Joint Parliamentary Committee when this Government of India Act was under discussion He among others laid the greatest stress on fiscal autonomy for India I was therefore very much interested to hear his interpretation of the convention of fiscal autonomy which we are told India enjoys at the present moment My Honourable friend blessed

Mr. M. A. Jinnah: I asked for quite a different thing. What is given is quite a different thing.

Mr. K. C. Neogy: Exactly, Sir I do not say that Mr. Jinnah is quite satisfied with what we have got, but I merely mention the fact that his name is associated with the fight for our constitutional rights that was made before the Parliamentary Committee in the year 1919. I was therefore quite interested to find that Mr. Jinnah gave an interpretation

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of this convention, which is not quite the same as has been given by most of the Honourable Members on this side of the House Sir, my Honourable friend pointed out that the convention requires an agreement between the Government of India and this Legislature in order to enable it to operate, and he quoted from the Report of the Joint Parliamentary Committee to illustrate his point, and you, Sir, pointed out that in that very Report, the case of Australia, and even the case of the British Isles—the Government of the British Isles—is referred to as an analogy when the Joint Parliamentary Committee say that India must enjoy fiscal autonomy of the very same character It is no doubt true that the Joint Parliamentary Committee laid it down as a condition that there should be an agreement between the Government of India and the Legislature in regard to fiscal matters, in order that the Secretary of State may abstain from interfering with our decisions thereon, as he is quite entitled to under the Government of India Act And what is the effect of the acceptance of the interpretation put by my Honourable friend on this convention? The Government of India, in this particular instance, have been released from responsibility to the Secretary of State, because that is of the essence of this convention The Government of India is a free agent If the convention means anything, it means that the Government of India's position is absolutely unfettered so far as fiscal matters go Now, Sir, if we are to accept the interpretation of my Honourable friend, then it has got to be said that the Parliament intended to make the Government of India an autocratic authority in this matter. For what is the position as presented by my Honourable friend Mr. Jinnah? The Government of India make up their mind as to whether a particular proposal is to be adopted or not, in advance of any discussion in this House, as has happened in this particular case The Government of India come before this House and say, "This is our proposal If you agree to it the convention operates, if you do not agree, we defy you" The Government of India are not responsible to the Secretary of State, as I said, under the convention. The Government of India are not responsible to this House The Government of India are in the position of Dictators to this House. I do not know, Sir, whether Government will accept this particular position, but on the interpretation put by my Honourable friend there is no other alternative May I, in this connection, point out that this very question, though not in exactly the same form, was considered by Lord Crewe's Committee? That was, I believe, just before the Joint Parliamentary Committee sat. The terms of reference to Lord Crewe's Committee required it, among other things, to examine the relations between the Secretary of State and the Government of India, both generally and with reference to the relaxation of the Secretary of State's powers of superintendence, direction and control; and in paragraph 15 of the Report, it will be found that the Committee recommended, while discussing the question of legislation, as follows

"In order to give proper emphasis to the Legislative authority of the Assembly, we recommend that, whenever legislation has the support of a majority of the non-official Members of the Legislative Assembly, assent should be refused only in cases in which the Secretary of State feels that his responsibility to the Parliament for peace and order and good government for India are paramount and considerations of Imperial policy require a reconsideration of the matter at issue by the Legislative Assembly"

This was the recommendation with regard to the question of relaxation of the Secretary of State's control in the domain of legislation.

The next paragraph deals with fiscal questions. Paragraph 16, and this is the recommendation:

"We recommend that a joint decision of the Government of India and a majority of the non-official Members of the Assembly reached by discussion of a Resolution should be given the same degree of authority as similar decisions of legislative proposals and that the principle we have stated in paragraph 15 should be applied in those cases."

The committee at that moment was considering the procedure which was then contemplated to be laid down for this House, namely, that the budget proposals should not be voted upon by the Legislative Assembly but that, as in the old Imperial Legislative Council, Members should be free to move Resolutions with regard to financial matters. That is what the Committee meant when it referred to discussions by Resolution But I maintain the principle of that recommendation applies to this particular case. The Crewe Committee never intended that the Government of India should be a sort of autocratic authority who should be independent of the control of the Secretary of State, and at the same time also of the Legislature here The convention which the Crewe Committee had in mind would operate only in case the Government of India could act in agreement with a *majority* of the non-official Members of the Legislature Sir, may I appeal to the Government Benches to act up to the spirit of the Crewe Committee's recommendation in this matter because I maintain that that is the only sensible course open to them? They cannot claim independence both of this House as also of the Secretary of State (Hear, hear) as they purport to do in this particular instance Sir, before I leave this point, may I quote the significant words which were uttered by Mr Montagu on the Third Reading of the Government of India Bill in the House of Commons "The powers," said Mr Montagu, "that are reserved to the Government and are not to be controlled by the representatives of the Indian electors must be exercised as though they were applicable to a country of growing national consciousness on the road to self-Government and not as if we were administering a great Estate"

Sir, may I for a moment now examine the correspondence that passed between the Secretary of State and the Government of India on this question? Not the full correspondence, because, although my Honourable friend Sir George Rainy claimed that he had taken this House fully into his confidence in the matter, he immediately corrected himself, when interrupted by my Honourable Leader, by saying that he was not prepared to place on the table the other letters, the previous correspondence, because that was treated as confidential. I do hope the contradictory position of my Honourable friend will be apparent to him on a consideration of the matter Sir, I will read out once again an extract that has already been given to this House by my Honourable Leader, the message from the Viceroy to the Secretary of State dated the 12th February. This is what it states

"As regards the second point in the Cabinet representation, the danger to British interests, we recognise that the possible decline in consumption of Lancashire goods may be a serious matter But we are clearly bound to put India's interests first We also recognise how important it is to India not to antagonise British opinion, and quite apart from this, we are of course concerned at this time to avoid unnecessary injury to British interests. We have carefully considered what we could do in this respect and while we cannot modify the general application of the 15 per cent. revenue duty, we are prepared to propose to the Assembly that as regards any additional and temporary protective measures their application might be limited to non-British goods, and that in [illegible] circumstances there should be imposed in addition to the 15 per cent. customs duty [illegible] per cent protective duty with a minimum of 3½ annas" . . . ete

[Mr. K. C. Neogy.]

What are "these circumstances"? The circumstances have just been enumerated, namely, the circumstances relating to the necessity of not antagonising British interests, the desirability of not causing unnecessary injury to them These are all the circumstances mentioned before this particular sentence. I will read that particular sentence once again

"We are prepared to propose to the Assembly that as regards any additional and temporary protective measures their application might be limited to non-British goods, and that *in these circumstances* there should be imposed in addition to the 15 per cent revenue duty a 5 per cent. protective duty, etc"

These are the circumstances that have led to the imposition of this 5 per cent. additional protective duty My Honourable friends from Bombay are deluding themselves into the belief that this has proceeded from the sympathy which Government feel for them in their present distress Nothing of the kind In the first instance, the question of protection would not perhaps have arisen at all but, for the financial stringency of the present year Reference has been made to the fact that the Tariff Board had already reported in 1927 and had made definite recommendations for granting protection to this industry The Government of India would not look at that proposal at that time My Honourable friend, in the plenitude of his wisdom, evolved a new scheme of protection which did not meet the needs of the situation, but on the other hand hit the handloom industry, as I propose to show when we come to the amendments

Now, Sir, the proposals of the majority on that Tariff Board did not meet with the approval of Government, because they proposed a uniform addition to the import duty of 4 per cent , and coupled it with a recommendation that suitable bounties should be given for the purpose of encouraging the manufacture of yarns of certain counts When Sir George Schuster finds himself faced with financial difficulties and the necessity of raising additional revenue, he at once comes to think of the depressed condition of the cotton textile industry of Bombay Sir, I have a very good authority for making this statement that, but for the financial difficulties of the Government of India, they would not perhaps have considered the question of the protection of this particular industry I have got a very good and a very great authority for making this statement, an authority whose *bona-fides* will not, I believe, be questioned even by Sir George Rainy It is no other person than my esteemed friend Sir Padamji Ginwala, who, while speaking at a recent gathering in Bombay, said·

"The best hope of protection for Indian industries, however, appeared to lie not with the Tariff Board but in a series of deficit Budgets, and that only seemed to secure the much needed retrenchment of public expenditure and the protection of Indian industry"

That is really at the bottom of the whole scheme As I have already shown, even the additional 5 per cent. protective duty was suggested not for the purpose of giving additional protection to the Bombay cotton textile industry, but for the purpose of appeasing Lancashire.

Sir, I shall now deal with Imperial Preference Various definitions have been given in this House of this principle. Some of those who have supported this Bill in this House have claimed that this is not Imperial

Preference Others, those who have opposed the Bill, have done so mainly on the ground that this involves Imperial Preference. Sir George Schuster, while speaking on this motion, pointed out that there are other Colonies which have adopted the principle of Imperial Preference. I believe it was my Honourable friend, Mr Chetty, who while speaking on the general discussion of the Budget, stated that the policy of Imperial Preference had not been adopted as a policy by any part of the British Empire; and while replying to this point, Sir George Schuster said that he did not accept this particular statement. And then he went on to observe that there are several Dominions like Australia, and so forth, who have granted tariff concessions for the benefit of Empire goods But my Honourable friend was entirely silent as to what policy has been adopted by the British Government themselves, because we, in this particular proposal, are not concerned with the question of Imperial Preference as applied to goods coming from all the different parts of the Empire. We are concerned with the question of preference for British goods Now, Sir, will my Honourable friend, Sir George Rainy, when he gets up to speak, tell us what exactly is the principle which is followed by the British Government in regard to this matter? It may be that Australia, Canada and New Zealand grant certain tariff concessions to Empire goods, but that is entirely beside the point while we are discussing this particular measure

Now, Sir, of late we have been hearing a good deal about the economic unity of the Empire, Empire free-trade and different other schemes of that character I remember that Empire free-trade was the slogan on which the still-born party known as the United Empire Party was started, and I was interested to read in the London letter of the *Statesman* the views of Mr Baldwin with regard to India's position in connection with any question of Imperial economic unity that might be discussed

"Mr Baldwin, while speaking at a public gathering, laid the strongest emphasis on India's position as, for economic purposes, one of the already sovereign Dominions of the British Commonwealth of Nations, and I am told that he went, if anything still further in the long, closely-reasoned, and intensely personal address which he gave behind closed doors last evening to the inner two or three hundred of his Party"

The significance of this precaution of closed doors will not, I hope, be lost sight of by my friends who come from Bombay (Interruption) My Honourable friend, Mr Mody, inquires why? I have in my hand a highly reputed Journal published from Bombay, *The Servant of India*, dated March, 6 This is what I find there I hope my Honourable friend finds time to read papers published from his own Presidency This is what it says:

"They agitated" (meaning the millowners of Bombay) "for heavy import duties on Japanese piece-goods and when the Government of India showed extreme reluctance to satisfy their demand, chiefly owing to fears of international complications, Sir Ness Wadia went to England with a view to bringing pressure to bear on the Government of India from Lancashire manufacturers who were said to have promised support in return for Preference." (Hear, hear)

Sir, I do not know what my Honourable friend, Mr Mody, will have to say about this particular allegation. But, as I said, the precaution of the closed doors of Mr Baldwin's Conference may be significant.

Now, Sir, my Honourable friend, Mr. Jinnah, said we are not asked to commit ourselves to Imperial Preference in this particular instance;

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we are asked to give protection to the Bombay industry for the temporary period of three years, and in very exceptional circumstances, and therefore, although the present proposal will involve some amount of preference to the British goods, this need not deter us from according our support to this measure My Honourable friend, I dare say, knows that, in the latest appeal which has been issued by Mr Baldwin as the Leader of the Unionist and Conservative Party, he has adopted Imperial Preference as one of the chief items of the Party programme May I read out just a few words from that particular appeal? Honourable Members will find this published in the *Times* dated the 25th of February. Mr. Baldwin was dealing with the United Empire Party slogan. He said

"I interpret Empire Free Trade as meaning the economic unity of the British Empire, enjoying free trade within its own territories and supported by tariffs, where necessary, against the rest of the world So interpreted, I hold Empire Free Trade as an ideal for which every Unionist should work It is the goal towards which we must travel. It is our ultimate aim Speaking as the leader of the Conservative and Unionist party, it is on national grounds that I appeal to our supporters to stand together and work for the practical policy of safeguarding, Imperial Preference and Imperial development"

Therefore, Sir, while we are told that, on this particular occasion, we should not be misled by the cry of Imperial Preference, we cannot ignore the fact that a very important political party, if not the most important political party in England, at the present moment has put this forward definitely as one of the chief planks of its platform We cannot also forget that, in the case of steel industry also, thanks to the assistance given by my Honourable friend, Mr Jinnah, the Government got this House committed to the principle of British preference

Mr. M. A. Jinnah: I deny that there is Imperial Preference My learned friend has not understood the principle

Mr. K. C. Neogy: I never said Imperial Preference I said British preference. Now, Sir, I do not suppose this Government or the Government in Great Britain care very much as to what reciprocity we allow as between this country and the other Dominions All that Britain cares for is preference for her goods, and whether my Honourable friend admits this to be Imperial Preference or not, for all practical purposes this is the kind of Imperial Preference with which we are likely to be threatened from day to day. Now, Sir, we have admitted British preference in the case of steel We are asked now to admit the principle of British preference in the case of cotton What other important industry remains in which Great Britain is interested? (*An Honourable Member:* "Nothing") My Honourable friend, Mr Jinnah, says we are not committed to Imperial Preference On the one hand, as I pointed out, we find a very important and powerful political party in England putting Imperial Preference in the forefront of its programme, and on the other, this House has already committed itself to British preference in the case of steel and is now asked to agree to that very principle in the case of another most important industry, namely, cotton Now, Sir, what has been the result of British preference in the case of steel? I am again quoting from a Bombay journal and I hope that my Honourable friend, Mr. Jinnah, has read it.

Mr. M. A. Jinnah: I do not read every stupid journal.

Mr. K. C. Neogy: This is from the *Bombay Chronicle* (Applause)

Mr. M. A. Jinnah: I do read that paper, but I do not always accept what it says

Mr. K. C. Neogy: I do not think anyone is ever expected to accept all that appears in the newspapers

Mr. M. A. Jinnah: Very glad to hear it

Mr. K. C. Neogy: I am not asking the Honourable Member to accept my opinion expressed in the *Bombay Chronicle* I was going to quote certain facts from it The Honourable Member will perhaps permit me to place what I have to place before this House Sir, it is pointed out, with reference to figures into which I do not want to go now,—I can send this paper round to Honourable Members who want to see it—that·

'Imperial Preference in steel has increased the import of British Steel by 250 per cent in two years without doing much benefit to Tata Steel Works"

Mr. M. A. Jinnah: All that I can say is that it must be naturally wrong if you know the facts, because the preference that was given to the British steel was only 96,000 tons, if I remember it rightly, and that is all the British steel with which we were concerned in that Bill where we have given preference

Mr. K. C. Neogy· Now, these are the figures

Mr. M. A. Jinnah: If Mr Neogy will show me that the import of that particular class of steel has increased, I shall bow to him

Mr. K. C. Neogy: This is what I find The passage runs as follows:

"When the Steel Protection Bill was introduced in 1927, there was Imperial Preference by the back door In the Cotton Protection Bill it is by open door In Friday's debate in the Legislative Assembly, Sir George Rainy is reported to have asked Sir Purshotamdas, 'Was it for this that he as President of the Tariff Board proposed the Steel Protection Bill for India?' The proper reply to his question should be that the Bill gave more protection to British Steel works than to Tata Steel Works is will be seen from the following figures

	Differential Tariffs	
	British	Foreign
	Rs	Rs
Angles and Tees	19	30
Bar	26	37
Beams	19	30
Sheets	35	59
Plates	20	38

The imports from United Kingdom of these articles in 1925 26 is of a year before Imperial Preference and those of 1927 28 and 1928 29 are of two years after protection The figures are in thousands of tons

	1925 26	1927-28.	1928-29
	Tons	Tons.	Tons
Angles and Tees	10	23	28
Bars	14	23	46
Beams	33	63	67
Sheets	10	18	21
Plates	10	18	23
Total tons	77	145	187"

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and the writer concludes that British Steel, in respect of these protected classes, has gone up by 250 per cent in imports in two years without doing much benefit to the Tata Steel Works

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural) Was not the Honourable Pandit Motilal Nehru more enthusiastic about protection to Tata Steel than Mr Jinnah?

Mr. K. C. Neogy: Pandit Motilal never supported British preference It will be evident to this House that the period of three years is not so short as my Honourable friend imagines for the purpose of enabling the United Kingdom to recapture the Indian market She has been able to do it in less than three years in the case of steel, and she is quite capable of doing it in the case of cotton goods Now, Sir, my Honourable friend Mr. Birla referred to Mr Hardy's Report to show that it is not quite right, when we are discussing this question, to ignore the indirect competition between goods of different qualities, and he pointed out that, although India may not produce exactly similar goods as are produced in Lancashire, there would be very strong competition as between articles of varying counts My Honourable friend gave two extracts from paragraph 22 of Mr Hardy's Report I have the advantage of speaking in the presence of Mr Hardy, and I want to know from him what he meant when he made the following observation (paragraph 22, page 72 of Mr Hardy's Report)

"If, therefore it should be decided at any time to impose a tariff on goods whose incidence is heavy on goods which can be produced in unlimited quantities from Indian cotton, and light on goods which cannot be so produced, it is desirable that the incidence of duty on the range of goods between the two classes should be shaded off imperceptibly so as to minimise this harm of indirect competition"

Mr Hardy was entirely bearing out my Honourable friend Mr Birla's apprehension He said there must be some amount of com-
4 P M petition between different counts, and for the purpose of guarding against this kind of competition the duties should be shaded off I do hope he will explain what he meant by this expression, and I want him to tell us whether the present Bill is likely to achieve the object which he had in mind If he is in a position to give a reply now, I am prepared to give way in his favour

Mr. G. S. Hardy (Commerce Department Nominated Official): I would refer the Honourable Member to paragraph 35 of my Report where he will find the suggestion more fully discussed

Mr. K. C. Neogy: There is hardly time for us to go into a detailed examination of the Report I do hope my Honourable friend will give us the benefit of his explanation I want to know from him expressly as to whether this particular Bill, drafted in the way it has been, carries out his intention in the paragraph from which I quoted That is the question which I put to him specifically It does not do for my Honourable friend to refer me to some other paragraph The whole question, whatever my Honourable friend had in mind when he made that recommendation, is whether that "shading off" has been provided for in this particular measure of protection That is the point Now, Sir, my Honourable friend Mr. Birla quoted from some of the observations that appeared in the British Press with regard to this question of preference; it was for the purpose of

showing that this provision is interpreted even in Great Britain, as giving some assistance to Lancashire Sir, I will read out one or two more extracts from the British Press opinions This is the cable which came out from London, dated March, 3rd

"The general belief in Lancashire is that if the additional 5 per cent duty on non-British goods can be enforced immediately, the effect on the Lancashire trade of the increased tariff of 15 per cent will be much minimised

Then again I find that no less a journal than the *Financial News* says:

"If the proposal for a 5 per cent additional duty on non British goods is accomplished, it would *more than off set* Lancashire's loss"

I do not know whether my Honourable friends from Bombay have seen this particular expression of opinion Now, Sir, I have one more interesting extract from the Press on this particular point, and this I quote from the *Statesman*, Piece goods market report a special article written for the *Statesman* This is what it says

"If goods from Japan have to bear import duty of an extra 5 per cent, that is 20 per cent in all, it will of course afford considerable relief to mills in India, it will also give Lancashire a chance to recapture some of the business which that country has lost to Japan in recent years particularly in dhotis and grey shirtings It will be remembered that when cotton fell below 7*d* in the early part of 1927, Lancashire succeeded in ousting Japan for several months in grey shirtings Much of the business done formerly in Lancashire in dyed and coloured goods has also in recent years gone to Japan, and it is not improbable we shall now see a return of the pendulum in favour of Lancashire"

Was my Honourable friend, Mr Birla, far wrong in saying that this measure is as much in the interests of Lancashire as in that of the Indian cotton textile industry? Sir, the quarrel of the Indian textile industry is in counts, not with countries, and while I am prepared to assist Government in introducing any measure which will effectively protect the Indian industry against the competition in specific counts, from whichever country it may come, I am not prepared to give my support to any measure that seeks to discriminate as between country and country, irrespective of the specific nature of competition from those countries with Indian goods

Sir, my Honourable friend, Sir, George Rainy I do not know why did not think it proper to refer this Bill to a Select Committee In defending his action the other day, he said that it would have meant delay May I remind him that this particular Bill has been before this House for 25 days If he were to refer to the proceedings of this House in regard to other protection Bills that were referred to Select Committees, he would find that such a lengthy time was not taken in any other instance My Honourable friend has preferred to circulate a printed statement giving certain facts; he has taken some leaders and other selected Members of this House into his confidence; he asked them to meet him at informal conferences. I do maintain, Sir, that the regular procedure under the rules of this House is to refer the measure to a Select Committee if it is thought that it requires to be examined in detail My Honourable friend has not done that In the case of the Steel Industry, we had the Tariff Board Report before us, and the Government proposals were seeking to give effect to the Tariff Board Report In this particular instance we have not got the Tariff Board Report, because that Board has not made any inquiry into this matter at all We do not know what the practical effect of this British preference may be on the Indian industry, and my friend has not

[Mr K C Neogy]

given this House an opportunity of appointing a Select Committee to go more thoroughly into this aspect of the question As I said, he preferred to circulate a printed statement

Mr. Vidya Sagar Pandya (Madras Indian Commerce) It appears from one of the Bombay telegrams in the papers that they are going to have a scheme of amalgamation, and the Government are going to render some help in that direction and they take it for granted that this Bill will be passed.

Mr. K. C. Neogy: I think we cannot blame the Bombay industry If we were in their position we would perhaps have taken the very same step

Now, Sir, my friend the Leader of the European Group brought to the notice of this House another interesting statement on this question, a statement which has been circulated over the signature of Mr Kawaguchi, the Agent of the Japan Cotton Spinners' Association I really could not understand the reason of his righteous indignation over the fact that this particular printed statement had been circulated in this House He said, "My complaint is that the document should have been passed round in the lobby of the House by the agent of a foreign country to influence our decision" Sir, I may tell my friend that we consider Sir Darcy Lindsay as much a foreigner as any Japanese My friend proceeded to observe that he considered this particular statement to be in a particularly bad form I had no intention of ever referring to this document on this occasion, but I examined it carefully after having heard my friend for the purpose of finding out what was the bad form of which my friend complained I find that what they do is to set out the Government case and then state their criticism, and I propose to read out just a few lines to show what the nature of that criticism is I may tell this House that I would not have taken the trouble of reading out extracts from this document, but for the protest which my friend, Sir Darcy Lindsay, lodged against its circulation in this House This is what it says:

"Japan's objection to the Government Bill as amended by Mr Chetty is against

(1) Unreasonable discrimination in (*a*) bordered dhoties where competitive imports from United Kingdom are three times as large as competitive imports from Japan, and (*b*) in coloured goods where Japan's and United Kingdom's competitive yardage are 86 million and 50 million respectively

(2) Unwarranted discrimination in the bleached goods in which, as shown by Sir George Rainy himself neither Lancashire nor Japan import any competitive goods"

Then, Sir, this statement goes on to examine the figures given by my Honourable friend Sir George Rainy and it also gives quotations from Mr Hardy's Report I do not think that could be considered bad form, particularly extracts from Mr Hardy's Report. This is how it concludes:

"Permit me to assure the Indian public that Japan has no cause to complain against the Indian Cotton Mill industry being protected It is only fair that it should be It is only reasonable that it should be What is not fair and what is not reasonable is the unwarranted and unjustifiable discrimination that is sought to be enforced against Japan I trust I have been able to demonstrate beyond the shadow of a doubt that discrimination against Japan in the bleached trade, in the coloured trade, and in the dhoties trade is utterly indefensible from the Indian industry's and consumers' point of view"

Sir, I have failed to discover anything in this statement to which exception can be taken on the ground that it is in bad form. I remember occasions when literature of propaganda directed against my friend Mr Haji's Bill, and also supporting the Simon Commission had been circulated to all the Members of this House I remember to have seen other documents, not necessarily having anything to do with the business of this House, being circulated in the precincts of this Chamber If you, Sir, were to lay down a rule that no document can be circulated within the precincts of this House without your express authority, I could then understand my friend's objection

Mr. M. A. Jinnah: What about the inner precincts?

Mr. K. C. Neogy: But my friend's complaint was not that anybody came into this Chamber to circulate this pamphlet As a matter of fact, I was handed my copy just near the Notice Office

Sir, I shall refer to only one other point, and that is in regard to what my friend Mr Chetty said the other day He said this:

"I consider Imperial Preference purely as a business proposition"

He differed from my friend Mr Jayakar on the point as to whether there could be any bargaining in connection with this matter. Mr Jayakar held that there was nothing wrong if we could get some substantial benefit out of Great Britain in return for a concession of this character But what does Mr Chetty say? He says this

"I am not therefore prepared to exchange any amount of political benefit for an economic benefit If Great Britain is asking for Imperial Preference she must be prepared to offer to us in return in economic benefit and not a political benefit"

Then within brackets "Hear, hear" Then my friend went on to explain his point

"What has England, Australia or Canada for the matter of that to give me in exchange for the economic benefit that I give, and if I am satisfied I can get back enough return for this concession that I give them, I for my part would not be swayed by any sentiment or prejudice on that account It is only in that spirit that I view the whole question"

and here comes the anti-climax

"And viewing the question from that point of view, I am convinced that the scheme of protection formulated by the Government certainly does give to the Indian industry an adequate and effective protection"

He began by saying that Great Britain must have something to give to us in return for this benefit, and he concludes by thinking that that particular condition has been satisfied inasmuch as we get protection for the Indian industry

Maulvi Muhammad Yakub: But Mr Chetty was the Chief Whip of the Swaraj Party

Mr. K. C. Neogy: I do not know whether my friends on the Government Benches felt very comfortable when my friend Mr Chetty made these observations, because what does it come to? It means this, that all that has been said by Government about the reality of the fiscal autonomy convention is absolutely untrue.

That is to say Government are yet in the leading strings of the Secretary of State, and we are getting this protection measure because Britain

[Mr. K C Neogy]

permits it to be granted to the cotton industry That is the only interpretation which my Honourable friend's words can bear In other words, my Honourable friend charges Government with hypocrisy when they say that they are free agents and that we are going to settle this question on the floor of this House Nothing of the kind, says Mr Chetty Well, Sir I do not know whether my Honourable friend's interpretation will be borne out by the Government themselves The Government are not free agents in this matter Mr Jinnah says "No" Mr Chetty says "No" You are taking this line of action

The Honourable Sir George Rainy: Does my Honourable friend suggest that the Government of India are not free agents in the matter?

Mr. K. C. Neogy: Yes, Sir

The Honourable Sir George Rainy: I repudiate that charge

Mr. K. C. Neogy: You might repudiate this with all the emphasis that you can command Mr Chetty, one of your best friends, said that it is an economic advantage that Great Britain is giving to us in return for which we are granting Imperial Preference for her benefit

Mr. K. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot Non Muhammadan Rural) Whether the Government of India are free agents or not, in the speech that I delivered, I did not mean to suggest that the Government of India were acting under the instructions of the British Government and giving us this protection in return for the preference It is an entirely wrong interpretation that my friend is putting on my entire speech

Mr. K. C. Neogy: Will Mr Chetty explain what he meant? Again I must trouble the House with what Mr Chetty said

"I am not prepared to exchange any kind of political benefit for an economic benefit If Great Britain is asking for Imperial Preference from India which she is going to get under this Bill, she must be prepared to offer her in return an economic benefit and not a political benefit"

Then he says

"If I am satisfied that I can get back enough in return for this concession that I give them, then I for my part would not be swayed by any sentiment or prejudice *It is in that spirit that I view the whole question* and viewing the question from that point of view, I am convinced that the scheme of protection formulated by Government does give to the Indian industry an adequate and effective protection"

If my friend Mr Chetty will explain what exactly he meant, I am prepared to give way What is the economic benefit which Great Britain is offering to us today in exchange for this Imperial Preference?

Mr. R. K. Shanmukham Chetty: My contention is that there is no Imperial Preference in the scheme

Mr. M. S. Aney: Is there anything in that passage from the speech of Mr Chetty that says the economic return should necessarily be for the benefit of the country as such?

Maulvi Muhammad Yakub: He is right when he says that he has got enough return

Mr. K. C. Neogy: I will not take up the time of the House any further. I maintain that this Convention of fiscal autonomy is a sham and a fraud, and even my Honourable friend Mr Chetty seems to agree with this view.

Mr. R. S. Sarma (Bengal Nominated Non-Official) In rising to support this Bill

An Honourable Member: Naturally!

Mr. R. S. Sarma: If it is meant by this interruption that as a nominated Member, I should support the Bill, I may say that I am in the company of Sir Purshotamdas Thakurdas and others, by whom gentlemen who are interrupting me are prepared to swear every time in financial matters. In rising to support this Bill, I cannot help regretting that certain speakers like Mr Neogy, Mr B Das and Mr Ghuznavi have sought to assail this Bill on considerations what seem to me entirely irrelevant and non essential

Mr. K. C. Neogy: Why not Mr Birla too?

Mr. R. S. Sarma: I am coming to Mr Birla If my Honourable friend Mr Neogy wants to insinuate that I do not say anything against Mr Birla because I was indebted to him in the past, I will only say that the insinuation is unworthy My external gratitude to my old chief and great benefactor will not prevent me from expressing my amazement, that so shrewd and cool-headed a business-man as Mr Birla should deliberately say on the floor of this House that the principle of this Bill was one of Imperial Preference One thing that has been made clear in the whole debate is this, that most of the speakers seem to object not so much to a little preferential treatment to Lancashire but to committing this country to the policy of Imperial Preference I think, Sir, that the Honourable the Commerce Member in the course of his masterly statement in introducing this Bill made it absolutely clear that the principle underlying this Bill was not one of Imperial Preference, but temporary protection for the indigenous cotton industry In spite of this fact, certain Members of this House want to cut their noses to spite their faces It is an attitude which it is very difficult to understand This premier industry, which has a greater claim and better title to be called a national industry than what my friend Mr Chaman Lall professes posing as a labour leader, this national industry is on the verge of collapse When in response to the urgent need of the situation and to the expressed desire of the people of this country, the Government want to bring in a measure which gives some little protection, I ask Pandit Madan Mohan Malaviya whether it is patriotic I ask Mr Birla whether it is business like to turn round and say that we shall have nothing to do with it whatever, because this measure, while it gives protection to our industry incidentally gives a little preference to Lancashire

Mr. Ghanshyam Das Birla: It is patriotic, though it may not be business-like in the ignoble sense

Mr. R. S. Sarma: I am putting it on both grounds Talking about preference may I ask what does this preference amount to? The Honourable the Leader of the Opposition, whom we are all so happy to see back in his seat this afternoon, in a speech admirable alike for its tone, temper and brevity, but vitiated by conclusions to which his arguments did not lead made a great point of the fact and even deplored that the Government of India should have gone back upon their original proposals at the bidding of the British Government

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions Non-Muhammadan Rural) I never said that it was done at the bidding of the British Government

Mr. R. S. Sarma: I understood the Honourable Pandit to say that the Government gave up their original proposal as a result of a message which the British Government sent to the Government of India

Pandit Madan Mohan Malaviya I made it clear that it is the Government of India who started the proposal His Majesty's Government did not suggest it This is borne out by the telegram today, containing a statement by Mr Benn, that the proposal originated in India

Mr. R. S. Sarma: I never said, Sir, that the Honourable Pandit said that this proposal originated from the Government at home, but that the Government of India had certain proposals of their own which were later on changed because of the communication from the Home Government That is what I think he said I do not think he is justified in saying that the Government of India have really altered their proposal to any appreciable extent Let us see what the Government proposal was in the beginning Their original proposal was to have a 15 per cent revenue duty on all cotton goods and a duty of 3½ annas per pound on all grey goods, irrespective of their country of their origin It was at this stage that a message came from the British Cabinet to the Government of India, and if the Honourable Members will read that message carefully, they will see that the authors of the message have been animated as much by a desire to save Lancashire to some extent from the impending losses as to establish the fiscal autonomy convention and place it on a pedestal from which it cannot be dislodged And the procedure that was adopted by Mr Ramsay Macdonald's Government in this connection is of considerable political importance and significance Once this convention has been established and accepted by the British Government, I think whatever may be the party that may come into power in the future, it will be very difficult to interfere with the principle now established And how did the Government of India respond to this unprecedented appeal from the British Government to which, as Mr Jinnah again pointed out this morning our Government are still statutorily subordinate? Did they give up the idea of increasing the duty from 11 to 15 per cent? No, certainly not

Mr. M. K. Acharya (South Arcot *cum* Chingleput Non Muhammadan Rural): They were not asked to give it up

Mr. R. S Sarma: They did not make any suggestion at all They only made an appeal and the Government of India said

Mr. M. K. Acharya: The Government of India were not asked to give up the proposal

Mr. R. S. Sarma: The Government of India clearly said that

The Honourable Sir George Rainy: May I intervene, Sir My Honourable friend, Mr Acharya, has not understood the position The suggestion in the message from the Cabinet was that the Government of India should abandon its proposals.

Mr. R. S. Sarma: The Government of India said that Indian interests were to be considered first But what did the Government of India decide in view of the unprecedented character of the appeal and in view of the special circumstances of the situation? They decided to have a revenue duty of 15 per cent on all foreign cotton goods and an additional duty of 5 per cent and a minimum of 3½ annas per pound on all goods of non British origin And if the amendment of Mr Chetty is accepted by the Honourable the Commerce Member, who has already given a hint that he was going to accept it, this alleged preference will be still further whittled down The present position is this, that the original position of the Government of India stands, that there should be a 15 per cent duty on all cotton goods, *plus* 3½ annas duty per pound on all goods coming from any country That is the original position and that stands Over and above that, the Government have decided to help Bombay by the imposition of an additional 5 per cent duty on non-British goods, and this 5 per cent duty does not affect the class of goods in which there is any great competition between Great Britain and India With the exception of this additional advantage to Britain against Japan to some extent, there has not been shown any preference to her Therefore Sir, I submit that the original proposal of the Government of India stands The Honourable Pandit Madan Mohan Malaviya the other day spoke eulogistically and also very affectionately about Japan and deprecated any sort of discriminatory legislation against Japan I do not understand, Sir, why the Honourable Pandit should be overflowing with so much affection for Japan?

Pandit Madan Mohan Malaviya: Why should it not be?

Mr. R. S. Sarma: It is because of this, Sir, that whatever we may say about the exploitation of our industries by the Europeans, you cannot get away from the fact that they have given a lot of money for various public benefactions in this country and also many contributions have been made by the European merchants in this country towards the construction of hospitals and similar charitable institutions I do not think even an yen has ever been paid by any Japanese firm for any public cause in this country.

With regard to the incident referred to by Mr Neogy just now, namely, the circulation of a pamphlet on behalf of a foreign nation in the lobby, I myself wanted to refer to it With that sweet reasonableness and with that great passion for conciliation and peace-at-any-price qualities, for which the amiable leader of the European Group has now become very famous, he did not proceed with the matter further, and when you, Mr. President, asked him what his complaint was, he simply said that it was undesirable I think, Sir, it is much more than undesirable I say it is an insult to this House, it is an insult to the private Members of this House that any agent of a foreign nation should send a representative for the purpose of doing propaganda work in the lobby of this House and when my Honourable friend Mr Neogy asked

Mr. President: I suppose they can do so in the lobby against the President.

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Mr. R. S. Sarma: Well, Sir, I know that propaganda against the President has been going on outside and I have some responsibility for that. But if it is said that propaganda has been conducted inside the lobby, in the way of distribution of pamphlets or anything like that, against the President, I take this opportunity of contradicting it with all the emphasis that I can command If we find, Sir, that anyone, however exalted he may be, has done anything wrong, I think in the public interests, as a journalist or as a public man or as a Member of this House, we are entitled to carry on whatever propaganda we like outside this House. Well, Sir, I was saying that the agent of the Japanese had sent a man to the lobby of this House who, in spite of the contradiction of my Honourable friend, Mian Mohammad Shah Nawaz, the other day, has called himself the accredited agent of the Central Muslim Party.

Mian Mohammad Shah Nawaz: No, Sir I entirely deny he is our representative

Mr. R. S. Sarma: But that is what he represents

Mian Mohammad Shah Nawaz: The Central Muslim Party has nothing to do with the distribution of the pamphlet

Mr. R. S. Sarma: The contradiction that my Honourable friend Mian Mohammad Shah Nawaz gave was this, that that particular pamphlet was not distributed in the lobby at the instance of the Central Muslim party.

Mian Mohammad Shah Nawaz: I say that he was not our agent and that the pamphlet was not distributed at the instance of the Central Muslim Party Will the Honourable Member, Mr. Sarma, accept my contradiction?

Mr. R. S. Sarma: Why should my Honourable friend be so excited? I have seen my Honourable friend at Simla getting much excited over the Sarda Act. Perhaps he does not understand that I am not challenging his statement. I have accepted his statement that no Member of the Central Muslim Party distributed it. What I said was that a person who called himself the agent of the Central Muslim Party distributed that pamphlet.

Mr. Muhammad Yamin Khan: Certainly not He was not our agent.

Mr. R. S. Sarma: At any rate the fact remains that a man who posed as such, and who was going about the lobby and who probably had the audacity to say that he was the agent of the Central Muslim Party, and who is also seen frequently in the precincts of the Chamber, distributed the pamphlet . . . .

Mian Mohammad Shah Nawaz: Probably he was Mr Sarma's agent. He was not the agent of the Central Muslim Party

Mr. R. S. Sarma: I take the assurance of my Honourable friend. But, Sir, it is simply ridiculous that anybody who is unconnected with this House should undertake any sort of propaganda on behalf of a foreign nation in the lobby of this House and it is an insult to this House . . .

Lieut.-Colonel H. A. J. Gidney (Nominated: Anglo-Indians): He openly said he was an agent

Mian Mohammad Shah Nawaz: Agent for what purpose? This so-called agent was never authorised to circulate the pamphlet. In point of fact, when the pamphlet was distributed, the House was not sitting.

Mr. R. S. Sarma: If a foreign nation wants to represent anything to this Government affecting legislation, I think the only way of doing that is for them to represent directly to the Government of this country, and not to influence private Members of this House. It is one thing for eminent Japanese members residing in this country to be allowed the proud privilege of sitting in the Distinguished Visitors' Gallery . . .

Mr. President: Order, order The Honourable Member is not entitled to refer to visitors sitting in the Visitors' Gallery. He ought to know the rules of the House.

Pandit Madan Mohan Malaviya: Apologise.

Mr. R. S. Sarma: I am sorry, Sir, I referred to them I bow to your ruling. When we see, Sir, that these people are trying to influence private Members of this House, I submit, Sir, that that is a thing that should not be allowed

Several Honourable Members: Why? What is wrong?

Mr. R. S. Sarma: I want to say a word with regard to Mr Ghuznavi's speech and he made a great point of quoting. and I think other speakers also quoted from the speech of Mr D P. Khaitan It was very pleasant to hear that, at least once, Mr. Ghuznavi thought fit to quote from Mr. Khaitan, from his speech which he delivered at the Indian Chamber, and he said that it presented the view of the Indian business-men generally in Calcutta about this Bill. I beg to differ from him I do not want to pursue the matter further, except to say this, that the House may put any value it likes upon the statement of Mr Khaitan after knowing that the firm of Mr Khaitan is the Agents of a leading Japanese firm in this country

Mr. B. Das: I was quoting him as the President of the Indian Merchants' Chamber of Calcutta and not as representative of a city Japanese firm.

Mr. R. S. Sarma: Sir, I want to say a word regarding my Honourable friend Diwan Chaman Lall's speech. My Honourable friend Diwan Chaman Lall does not seem to attach very much importance to the Labour Commission, of which he is such a distinguished Member, as in his opinion the best way of ameliorating the grievances of labour was to allow this mill industry to die a natural death In listening to his speech, which was very much appreciated both on the floor of this House and in the Press, I was very much regretting the wealth of wasted eloquence spent in trying to kill the dying. My Honourable friend, Diwan Chaman Lall, was telling Mr Mody that, if he could prove that this was a national industry, he would support it. And one of the tests of national industry, he said, was that they must pay 50 to 70 per cent. of their profits to labour. I do not know whether my Honourable friend, Diwan Chaman Lall, can quote one single instance in the whole world of any national

[Mr. R S. Sarma

industry which pays anything like 50 to 70 per cent of their profits to labour I am willing to wait for his answer for another six months, and if he does not know the answer now, he can investigate when he next goes to England, not at his own expense, but at the expense of the poor taxpayer of India, at the expense of the poor consumer, for whom he shed such copious crocodile tears the other day

Diwan Chaman Lall: On a point of personal explanation. May I remind my Honourable friend that, in his eloquence, he is forgetting the main point The main point of my speech was not that it was a national industry or that it would be a national industry if it pays 50 to 70 per cent , but that it would be a national industry if it was nationalised

Mr. R. S. Sarma: From his speech, it was very evident that if Mr Mody could give him the assurance that they would pay 50 to 70 per cent he would be willing to support this Bill

Diwan Chaman Lall: I have already contradicted that statement on the floor of this House The Honourable Member evidently has not heard what was said on the floor of this House, or else he is deliberately not following me I cannot help his ignorance

Mr. President: Order, order The Honourable Member was probably not present in the House at the time

Mr. R. S. Sarma: Well, Sir, I support this Bill in the hope that this Act will help the Bombay industry and will enable the millowners to put their house in order and tide over the present crisis, and that it will enable our great national industry to stand on its own legs and face world competition (Applause)

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 26th March, 1930

LEGISLATIVE ASSEMBLY DEBATES

WEDNESDAY, 26th MARCH, 1930

Vol. I—No. 43

OFFICIAL REPORT

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DELHI
GOVERNMENT OF INDIA PRESS
1930

LEGISLATIVE ASSEMBLY.

Wednesday, 26th March, 1930

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr President in the Chair

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THE COTTON TEXTILE INDUSTRY (PROTECTION) BILL

Mr. President: The House will now resume further consideration of the following motion moved by the Honourable Sir George Rainy on the 13th March, 1930

"That the Bill further to amend the Indian Tariff Act, 1894, and to amend the Indian Tariff (Cotton Yarn Amendment) Act, 1927, be taken into consideration"

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber Indian Commerce): Sir, speeches on this motion yesterday, especially from those Benches which are opposed to this motion, clearly indicate that, of the two principles underlying this Bill, on the first one of protection for this industry, there is practical unanimity The only discordant note that was struck was on the first day of the discussion by my Honourable friend Diwan Chaman Lall If I disagree with my Honourable friend Diwan Chaman Lall, I must at least give him credit for consistency in his attitude on all items of consideration of protection before the House Whether it is protection for the steel industry, or for the paper industry or for the textile industry, ever since 1924, my Honourable friend from the Punjab has been consistent, opposing every motion for protection to the industry, irrespective of the merits of that protection, on this one ground only that there is a good deal left to be done yet by people engaged in industries in India for the amelioration of labour in India Sir, there will be none amongst those who seek to support this Bill who will challenge Diwan Chaman Lall's dictum that the condition of labour in factories in India is nothing approaching the ideal But even my friend Diwan Chaman Lall will agree that labour can only prosper if industry exists, and the ruin and closing down or even weakening of industries, he I am sure, will recognise, does mean a weakening of the chances of improvement in the standard of labour

The other friend who opposed this Bill is my friend from Bengal, Mr Ghuznavi Mr Ghuznavi's complaint however was that he was very apprehensive that this protection, including as it does what is called Imperial Preference, is not adequate for the cotton textile industry On the score, therefore, of protection being necessary I take it that my friend Mr Ghuznavi not only agrees with the principle of the Bill, but has some criticism to offer to Government that they have not offered in this Bill enough protection for the cotton textile industry Barring these two, I do not think I remember having heard any other Honourable Member who has spoken in this House till now say that he is opposed to the principle of more protection being made available to this industry

[Sir Purshotamdas Thakurdas]

Sir, Diwan Chaman Lall showed considerable attachment on his part to the methods employed by factory owners in Japan, and incidentally, I infer, to the support given by the Government in Japan to the textile industry There is only one omission, which I think Diwan Chaman Lall may himself like to be brought to his notice, and that is that he overlooked informing the House that the Government in Japan gave protection to all industries in Japan when the Japanese currency was brought back to its pre-war parity, and an *ad valorem* protection of 10 per cent was gazetted by the Government in Japan for at least a period of one year from the date on which the removal of the gold embargo was decided upon in Japan I have here a cutting which shows that this protection has been offered not to a few industries which can be said to be national, but to all industries suffering from this appreciation of the Japanese currency One of these is

" , industries which would sustain losses without such protection, by reason of a sudden increase of imports on the recovery of the exchange to par "

I wonder whether my Honourable friend, when he rises to speak on the third reading of this Bill, will, on his behalf at least, rub this point into my friends on the Treasury Benches, and point out to them that, if not totally, a good deal of the trial, which is now being experienced by the textile industry, is due to the omission of Government to do this in India in 1927, when they officially decided to accept the ratio of 1*s* 6*d*., an appreciation of 12½ per cent , and a deliberate and unmistakable bonus to the same extent to all imports to this country

Mr. President: The Honourable Member is inviting Diwan Chaman Lall to speak again!

Sir Purshotamdas Thakurdas: If he wishes to, on the third reading, Sir I am sure he will speak

Mr. President: That means that the Honourable Member is not anxious to go back to Bombay soon!

Sir Purshotamdas Thakurdas: I do very much, Sir I wonder if you will prevent Members from speaking if they have something new to put forward

Sir, before I proceed further, I think I owe it to this House and to the Japanese merchants in India that I inform this House, about two telegrams received by me from two representative bodies in connection with what I communicated to this House on the 7th instant I then said that I had a telegram in my possession that day, which indicated that there were reports in Bombay that the Japanese Government may give a bounty of 5 per cent to make up for the proposed preference to British cotton goods imported into India, and that large quantities of piece-goods were being hurried to India in order to get entry into British Indian ports before this Bill was passed into law The telegrams in my hand say.

"Quotations in your speech March 7th incorrect as Japanese Government not promised any bounty nor will tax Japanese nation for benefit of Indian consumers. Deny reports heavy cloth sales with rebate to buyer if protective duty levied."

An Honourable Member: Whom is it from?

Sir Purshotamdas Thakurdas: One telegram is from the Japan Cotton Shippers' Association, Bombay, and another is signed by Mr. Kinoshita, the Manager of the Japan Cotton Trading Co , Ltd., from Bombay

Now, Sir, I do not wish to deal with the several arguments adduced by Members who have been anxious to criticise Bombay mill industry and Bombay mill management But it was some relief to me to hear yesterday from my Honourable friend Mr Neogy that he, who had been opposed to protection for the cotton textile industry till now, has now turned friendly to Bombay and that he was prepared to offer his assistance to this House to prevent Bombay from, what he called, committing suicide I am sure Sir, that assurances of such well-meaning watchfulness, on the part of Honourable Members in this House, on those who are interested in the cotton textile industry of Bombay, are most welcome, and I look upon this, Sir, as a very good sign of the friendliness of this Assembly towards the enterprises of Bombay, be it in the direction of cotton textiles or anything else But I cannot help feeling, Sir, that there is a very serious misapprehension when Honourable Members in this House connect this Bill mainly or mostly with the welfare of cotton mills in Bombay only It is true that Bombay mills are worst affected by foreign competition and therefore it is natural that this protection, if given, may benefit them in the first instance But I submit, Sir, that it is incorrect to say that this protection will benefit either mainly or, I dare say, even principally the Bombay mills If this protection is likely to do substantial good to mills in any part of India, it is to mills which are outside Bombay It may, in the first instance, give Bombay a little more immediate relief than those up-country, and for this purpose I cannot do better than quote from the Statement of Objects and Reasons, where the Honourable the Commerce Member himself has the following sentence

"From the evidence in the possession of the Government, it appears that, during the last three years, and particulary in the last six months, the pressure of external competition has intensified and that the cotton mill industry throughout India is depressed, though the extent of the depression varies at different centres"

I ask the House to mark the words, "The cotton mill industry throughout India is depressed"

Now, regarding the extent of the depression, Bombay, as it is a port, naturally does suffer most and suffers earliest from depression brought about by competition from foreign imports But it does not necessarily follow that, should nothing be done, mills in Bombay alone will go down, that mills in Bombay alone will suffer and mills elsewhere in India will not be affected What is, Sir, bad for Bombay today will be bad for Ahmedabad, Sholapur, Delhi, Cawnpore, Calcutta and Madras within a few weeks or months, and at the latest, within less than a year It is necessary, therefore, Sir, that this House should clearly bear in mind that the protection which they are considering today, even though Bombay may be made the bull's eye at which people may go on marking and shooting, that protection is also for mills up-country, side by side with Bombay. If this is borne in mind, I have not the least doubt, Sir, that those, who are interested in this industry out of Bombay, will feel at least this, that Bombay is bearing all the brunt in connection with the criticism, but they are going to benefit equally with Bombay if not more If this protection enables the Bombay mills to avoid losses, it will enable the mills up-country to pay a small dividend, if they have not been paying that till now If it will enable the Bombay mills to pay a small dividend of 5 or 6 per cent., it will certainly enable the

[Sir Purshotamdas Thakurdas]

mills up-country to pay a larger dividend than they have been paying without it It is only natural that they should do so, and I do not grudge the up country mills their good luck The up-country mills have the advantage of their geographical situation, and it is only natural that they should so benefit more But I say this now in order to bring home unmistakably—and which I consider is above challenge—that in dealing with this question, it should not be overlooked that the Assembly will help not only the mills in Bombay to escape the immediate catastrophe, but they will also be helping the mills all over India to escape from that danger

There has, Sir, been considerable criticism regarding the methods of mill management in Bombay I personally welcome all such criticism especially for my City Of course I feel that criticism coming from Honourable Members in this House is criticism which comes from responsible well-wishers of the industry, and ought to help to keep Bombay up to the mark and to prevent them from avoidable slackness I do not take exception to any words of warning or of advice given in friendly spirit by the bitterest opponents of this Bill, because I cannot possibly believe that there is a single Indian today who is immune to the textile industry of India, whether it be in Bombay or elsewhere (Hear, hear) It is this conviction of mine that makes me say, Sir, that as far as I am aware every one in Bombay will welcome all such criticism not only now but for ever hereafter But there is, Sir, considerable confusion in several of the impressions which some of my Honourable friends who criticised Bombay have There has been a little too much stress laid on some catch-phrases which, we know, become popular as soon as they have mentioned once or twice over in some Government report or by some commercial association be it either in full knowledge of facts or in partial ignorance of same Take for instance, Sir, one item which has been mentioned, rather profusely, in the course of the discussion I think it was my Honourable friend from Orissa, Mr B Das, who started the criticism regarding the mill agents' system, the system known as the commission agents' system Now, Sir, I do not wish to defend that system through and through But I wish to point out to my Honourable friend, Mr B Das, that what is wrong with that system is that there are not enough safeguards ensuring efficient mill management in case of hereditary management proving inefficient There is not sufficient watchfulness on the part of the shareholders and there may not be enough safeguards provided in agreements with mill agents But if my Honourable friend says that that system ought to go, and the system of management of joint-stock concerns, especially cotton mills, should be the system of management through managing directors, I would like my friend seriously to consider over it and to point out to me any part of India where industrial or commercial enterprises have been managed successfully by managing directors?

Mr. B. Das (Orissa Division Non-Muhammadan) The Bombay Electric Supply and Tramway Co , Ltd

Sir Purshotamdas Thakurdas: I wish my friend had named something else. I happen to be connected with that Company, being the Chairman of the Board of Directors, and I do not like to say anything about it myself But surely he can select something else outside Bombay. If Bombay is doing the wrong thing, why not point out something which is being done in the right way either in Bengal or in Bihar and Orissa or Madras?

Mr. B. Das: May I point out, Sir, that I did not mean to attack the managing agency system, my criticism was to point out certain defects in the managing agency system.

Mr. K. C. Neogy (Dacca Division. Non-Muhammadan Rural): We have quite a large number of tea garden companies which have been flourishing all these years under Indian management, which are entirely under the system of managing directors, and not managing agents

Sir Purshotamdas Thakurdas: I am not conversant with the requirements of tea garden management, though I am prepared to accept my Honourable friend's view, but with regard to what my Honourable friend Mr B Das said, perhaps he will agree that it is not necessary to eliminate managing agents on a commission basis

Mr Ghanshyam Das Birla (Benares and Gorakhpur Divisions. Non-Muhammadan Rural) I may say, in order that my Honourable friend Sir Purshotamdas Thakurdas might develop his argument, that the instance cited by Mr Neogy is not helpful to Mr Neogy's argument because, so far as I know, those tea garden companies which are managed by managing directors have to borrow money from many Marwari business men at the rate of 12 to 15 per cent

Mr. K. C. Neogy: But they flourish all the same

Sir Purshotamdas Thakurdas. I am very glad, Sir, that my Honourable friend Mr Birla is able to help me with a few facts regarding Mr Neogy's instance, but with regard to my Honourable friend, Mr B Das, may I put it to him that it is not necessary to eliminate the managing agents? All that is necessary is to improve the system

Mr. B. Das: That is my point

Sir Purshotamdas Thakurdas: I am glad that my Honourable friend Mr. B Das agrees that there are certain directions in which the managing agency system can be usefully improved But I am afraid that there may be other Members in this House who think that it is desirable to eliminate and to stamp out this system I venture to assert, with due respect, that the day they do that, either by legislation or by any other method, will be a bad day for industrial enterprise in India

Mr. B. Das: I never meant that

Sir Purshotamdas Thakurdas: I agreed with Mr Das as soon as Mr Das made his meaning clear As a matter of fact, both Mr. Neogy and Mr Das will agree that, during the last few years, when there has been a good deal of company promotion in connection with either Indian banks, small or big, or insurance companies or anything else, if my Honourable friends have seen some of the prospectuses, they will confirm me that these have mostly been started with managing agents and not with a managing directorate

Mr. Vidya Sagar Pandya (Madras Indian Commerce): I do not think banking companies can be cited as an instance.

Sir Purshotamdas Thakurdas: I accept that my Honourable friend Mr. Vidya Sagar Pandya's latest flotation of a bank has been under the system of managing directorship, I fully accept that.

Mr. Vidya Sagar Pandya: There are no banks in the country under managing agents Can the Honourable Member cite names of any banks under managing agents?

Sir Purshotamdas Thakurdas: I thought I just agreed with Mr Pandya about his new bank My point is that we should not be in a hurry to come to the conclusion that, because Bombay mills and companies are run by managing agents, therefore, they deserve no protection As a matter of fact, I feel, Sir, that those, who are intimately acquainted with the sacrifices made by managing agents till now in Bombay, ever since the first mill was started there in 1860, sacrifices made to get the mills to stand during crises like the present one and others in the past, which they have passed through in 1900 to 1907, would feel as I feel, Sir, that I would like to take my hat off every time to these managing agents who have not spared their last pie in standing by their mills in the hope that those mills would successfully pass through a crisis By all means I would welcome an inquiry by Government into the evils and the comparative good of this system It will clear up the issue unmistakably, but I feel that, to rush to any conclusion as suggested by some of the remarks made here would be misleading to this House

My next point, Sir, is again in connection with what my Honourable friend, Mr B Das, said He complained that the mills in Bombay were over-capitalised I do not know what my Honourable friend, Mr B Das, meant by over-capitalisation What he meant perhaps was that mills were either floated or were put up during the boom period at prices which, under present conditions, look very high Let me tell my Honourable friend Mr B Das that of the few mills which changed hands in Bombay during the boom period at prices varying from Rs 60 and Rs 70 lakhs to a crore and a half, most have up to now gone under the auctioneer's hammer, there are practically none of these left, they showed their unsoundness for financial purposes within a few years after the boom period came to an end

Mr. A. H. Ghuznavi (Dacca Division Muhammadan Rural) May I point out that, at page 207 of the Tariff Board's Report, it is said "Over-capitalisation has contributed to accentuate the depression in Bombay"?

Sir Purshotamdas Thakurdas: The Honourable Member is referring to the summary of conclusions, I thought he was pointing to the relative paragraph in the body of the Report

Mr. H. P. Mody (Bombay Millowners' Association Indian Commerce) It is three years old any way.

Sir Purshotamdas Thakurdas: I do not think I would be justified in taking up the time of the House by reading extracts from the Report, but I will talk this point over with my Honourable friend if he desires it, so that he may speak later on this if he wants to My point, Sir, is this I should have thought, and perhaps those who are connected with banking in connection with mills in Bombay or in Ahmedabad will bear me out, that the complaint regarding the mills in Bombay and in Ahmedabad till now has been, not that they have too much capital, but that they have too little capital, that they were under-capitalised, that they have not any capital with which to do the current day to day financing required by these mills Most of these mills continue to borrow on the credit of their managing agents in the open market from day to day, inviting a crisis as

soon as there is a flutter in the money market Sir, regarding the majority of the mills in Bombay and in the Bombay Presidency, I may say to my Honourable friend, Mr B Das, that their weakness is not over-capitalisation, but under-capitalisation Whether it is the right system or not, I am not prepared today definitely to pronounce before this House. I am pointing out that, if these mills had all been floated with the capital necessary firstly for the purpose of putting up the factory and in addition for the purpose of carrying on the day to day financing of the mill, perhaps so many mills and so many enterprises in this direction would not have been in existence at all Sir, I will say only one word before I proceed further, and that is that I am convinced from my connection with the management of mills and my knowledge of the conditions under which financing of mills is being done in the Bombay Presidency, that, but for this system of managing agents, who stake their all on their mill companies, at least four times the number of mills which have gone down till now in the Bombay Presidency would have gone down A more acute crisis in these mills has been prevented by the spirit of self-sacrifice partly in personal interest if you so choose to call it, but still it is there—which makes the managing agent stand by his mill up to the last moment, in the hope that something new will turn up and will enable his particular concern to turn the corner

The next question Sir is the 4 per cent increase in the revenue duty, and the 3½ annas minimum on greys The question is, is this adequate? Even the Government, Sir, feel that this is not adequate for the immediate requirements of the mills As pointed out by my Honourable friend, Sir Cowasji Jehangir, yesterday, when an Honourable Member of the temperament of the Honourable the Commerce Member definitely comes to that conclusion, he will be a bold man in this House who can say that the Honourable Sir George Rainy has been extravagant in what he has offered to the mill industry If, Sir, there is any defect in the Honourable Sir George Rainy in that connection, so far as this side of the House is concerned it is that, he is too strict, and I have never seen, if I may say so, any leniency on his part when he sits down to consider and decide what measure of protection is necessary

I will now come, Sir, to that part of the principle involved in this Bill which has been the bone of contention Having come to the conclusion that this 4 per cent increase in the revenue duty and the 3½ annas minimum on grey goods is not adequate. Government propose to give the additional protection . . . .

Mr. A. H. Ghuznavi: When did they propose to give this additional protection?

Sir Purshotamdas Thakurdas: I should have thought, Sir, that the questions and answers on the floor of the House when Mr Jinnah was speaking yesterday made it abundantly clear that the original proposal of the Government of India was this, and Government subsequently put on something more, which is the bone of contention today, I mean the protective 5 per cent duty Perhaps, my Honourable friend was not in the House when this discussion took place yesterday on the floor of the House. Now, Sir, Government propose to give this additional protection by what they call "special protective duties", which have been generally referred to all

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through this discussion as Imperial Preference, I suggest to my Honourable friends who oppose this Bill on this particular ground, that this House is incapable of giving Imperial Preference, and Government cannot possibly expect this House to give Imperial Preference Indeed, the Honourable the Finance Member says this much in his speech in paragraph 59. "We do not, and in fact, we could not, ask the Assembly to commit themselves at this stage to accept the principle of Imperial Preference". I ask the House to mark the words of the Finance Member, "We could not" Sir, I think the words are deliberately used Imperial Preference can only be given according to the Colonial Conference Resolution of 1902, after full protection is afforded to the indigenous industry The Fiscal Commission's Report, page 120, paragraph 216, has this—the heading is, "The Principles of Imperial Preference" "The points of chief importance which emerge from this Resolution"—that is the Resolution of the Colonial Conference of 1902—"are"—I will read, Sir, the most important one—"that there was no question of the Dominions abating their protectionist policy, and no idea of establishing free trade within the Empire" It is admitted, Sir, that if the protection given by the Government of India with their proposal to the Cabinet was alone to be given, it would not be adequate protection It was 4 per cent increase in revenue duty and 3½ annas minimum on grey goods, and Government have come to the conclusion that this is not adequate And Imperial Preference can only come *after* adequate protection is assured Further Sir, Condition No 4 says that, "The preference given should be wholly voluntary, and should not go beyond what the circumstances of each unit might reasonably permit" What I wish to point out is that it should not be protection given under a certain set of circumstances, which are either created or which happen to come about It should be something offered voluntarily by the country offering preference And the last condition Sir, is that the United Kingdom should, if possible, grant certain preference in return None of these, I submit, exist today But I was a little surprised when my friend, Mr Birla, emphasised the Imperial Preference aspect Mr Birla, Sir, is one of the five Indian Members of that Commission who signed the Minority Report At least two names out of these five command great confidence in the Indian public today, and they are the names of my friend himself and of the distinguished Chairman of that Commission, Sir Ibrahim Rahimtulla whose name is well known throughout the length and breadth of this country The Minority Report, Sir, in Chapter IV, under the heading "Imperial Preference",—my friend himself is a signatory to it—says this:

"The principle of Imperial Preference implies the uncontrolled power of initiating granting, varying and withdrawing preference from time to time, consistently with each country's interest and on lines which are not injurious to itself India must therefore possess the same supreme powers as are enjoyed by the Dominions before Imperial Preference can become for her a matter of practical politics India has not yet reached Dominion Status"

Mr. Ghanshyam Das Birla: May I inquire if the Honourable Member wishes to suggest that this is something worse than Imperial Preference?

Sir Purshotamdas Thakurdas: I am telling the House that what is before the House is not Imperial Preference according to his Minority Report

Mr. Ghanshyam Das Birla: It is something worse than that?

Sir Purshotamdas Thakurdas: I will come to it presently if the Honourable Member will have a little patience

Then, Sir, a little later they say more in the same strain But I must not take very long in my speech, and I may take it for granted that this part of the House knows what is in the Report I think I have quoted sufficiently to point out that, even according to the Minority Report of my friend, what is being offered today and what is under discussion in the House is not Imperial Preference as defined in the Report

Now, Sir, the policy followed by the Government of India, so far, is not a policy of "protection", nor as my friend the Honourable the Commerce Member reminded me earlier this Session, is it full fledged protection. Imperial Preference can only, as far as I am able to understand the Colonial Conference Resolution, come in after full protection is assured to the industry concerned The policy of the Government of India is of protection with discrimination

Now, I wish to ask my friends of the Nationalist Party whether it is not wrong to apply the term Imperial Preference to this, for the simple reason that India is not independent enough in her own house to enjoy that privilege, and secondly, because there is nothing that we stand to gain today from the United Kingdom in return for this concession which the Government of India are offering to the United Kingdom

Mr. K. C. Neogy: Is it not the case of Government themselves that, so far as fiscal matters go, India does enjoy the position of a Dominion?

Sir Purshotamdas Thakurdas: I am not here to defend the policy of the Government I am only trying to put before the House the way I read the position in this Bill My friend's question perhaps is meant for the Treasury Benches, and I am sure the Honourable the Commerce Member will give him a satisfactory reply if he can

There is, Sir, further this question Many in this House feel, and indeed they have said so, that they do not wish the relations of India in any way antagonised with either Japan or Italy or Holland, or indeed with any other country which exports piece-goods to India Now, I ask Members on this side of the House if they have any voice today in connection with India's relations with any foreign powers? When Imperial Preference can be given by this House, will not the House consider the question of the existing commercial treaties and the developments, both international and others, perhaps of a serious nature, which may result as a consequence of their policy? Can the House today be said to be responsible for it? I am sure every Honourable Member who is opposed to this will at once say that we are not and we cannot be responsible for it, because we have no voice in it I am only mentioning this in order to bring home my point that the idea of saying that what is being offered is Imperial Preference is wrong It may be, Sir, a very convenient method of expressing what some have in mind. I wish to make it clear, Sir, that there is no Imperial Preference which can be given by this House in the present condition of India's fiscal policy, and in the present condition and position of my friends and the elected Members in this House

Mr. Vidya Sagar Pandya: By what other name will the Honourable Member call this difference of 5 per cent in favour of Lancashire, if it was not preference?

Sir Purshotamdas Thakurdas: Sir, I therefore conclude that this is not Imperial Preference as it should be understood All the same it metes out special treatment to U K goods Government say that these U K goods do not compete with Indian goods Those who are opposed to this Bill say that they do compete Government point out that this measure is not intended by them to help the expansion of India's textile industry but only to enable it to live and escape the crisis It is devised, according to the Government, as an emergent measure At the worst, therefore, the measure that is before the House can be in force for only three years, and it can be modified at the end of three years Granting that the burden on the Indian consumer is higher to the extent of the protection conferred on the United Kingdom, the proposition, simply put, reduces itself to this—is it advisable for this House to save the Indian textile industry in which—according to Mr H P Mody—about 100 crores of capital is invested, from further depreciation for a limited period of three years, with the extra burden which may be thrown, or which will be thrown, if you prefer it, on the Indian consumer by this protection offered by the Government of India to the United Kingdom? The worst charge against the Bill can be that it affords protection to U K industry, simultaneously with the Indian industry This Assembly must weigh the scales with this and decide which is the heavier of the two scales I hope that my Honourable friends who interrupted me to ask what this was if not Imperial Preference will be satisfied that I have, at least, put forward the issue in a clear and unmistakable manner

Mr. Ghanshyam Das Birla: I have no dispute if the Honourable Member wants to call it protection to U K

Sir Purshotamdas Thakurdas: You can call it that I will not differ about the wording If my Honourable friend wants to call it in the way he has called it, I will not take exception to it I want to have the issue as clearly put before the House as possible, and let us then understand whether as practical business-men, those who wish well of the Indian textile industry can come to some common conclusion

Mr. Amar Nath Dutt (Burdwan Division Non Muhammadan Rural) There are idealists here

Sir Purshotamdas Thakurdas: I beg your pardon I had overlooked you In the peculiar circumstances in which the industry is placed at present, my Chamber thinks that protection should be afforded to the Indian textile industry This in short is the question and there is no fear of a precedent in this connection being quoted later

I agree that, if the industry were in a position to stand further trial, it may be desirable for it, as my Honourable friend Mr Birla recommended, to oppose this form of protection in the hope that, if the Indian textile industry refuses this protection now and waits for a few months longer, they may get more Now, Sir, I know that my Honourable friend is himself engaged and interested in this industry, but I also know that there are representative bodies interested in this industry direct, speaking in the names of, shall I say, 75 per cent of the mills interested in the textile industry all over India These bodies inform us and indeed Mr Mody has definitely said so on the floor of this House, that it would be dangerous to expose this industry to further onslaught and competition from abroad In short, the position therefore is this. Does the Assembly make the

economic aspect of the problem subordinate to what may be the political aspect of it? I understand, Sir, that socialism says, where we can progress with the present order, it may be achieved, and I understand that communism preaches—Bring about political revolution first and then or rather thereafter try to secure the economic equality For business men it would not be unpatriotic nor would be inexcusable if they decided that the principle of socialism might be accepted, especially when, as in this case, it is for a limited period of three years I feel, Sir, that I shall at least be credited with having put the reasons why my Chamber have decided to favour this Bill in a manner which is impartial and which is not clouded by any other issue

Mr. T. Prakasam (East Godavari and West Godavari *cum* Kristna: Non-Muhammadan Rural) Is it impartial?

Sir Purshotmdas Thakurdas: That is for the House to judge I do not think I need repeat that it is so All I can say is, that I have honestly tried to think over it, most seriously since the Budget was presented and with great oppression on my mind, at times, and I have tried to put before the House what strikes me till now, according to my limited capacity, as a fair presentation of the problem

Sir, it must, I am sure, have struck the Honourable Members on the Treasury Benches, "Why all this opposition to this Bill if the Bill is conceived according to them in the best interests of the Indian industry and is to be in force only for three short years?" Let me tell them that the real reason is the past history in connection with the textile imports from the United Kingdom into India, which is dark and not such as to make Indians not suspicious I do not wish to give any instances in this connection I know it is not pleasant to many to hear them but I cannot help quoting Sir W Joynson Hicks (now Lord Brentford) who said, some time back, and I am quoting from an extract which I came across in the *Bombay Chronicle* Sir W Joynson Hicks is reported to have said this

"We did not conquer India for the benefit of the Indians I know it is said in missionary meetings that we conquered India to raise the level of the Indians That is can't We conquered India as the outlet for the goods of Great Britain We conquered India by the sword and by the sword we should hold it I am not such a hypocrite as to say that we hold India for the Indians We hold it as the finest outlet for British goods in general and for Lancashire cotton goods in particular"

Dr. A. Suhrawardy (Burdwan and Presidency Divisions Muhammadan Rural): That is why we ought to give preference to Lancashire?

Sir Purshotamdas Thakurdas: I am leaving the decision to you.

Dr. A. Suhrawardy: Thank you

Sir Purshotamdas Thakurdas: With this mentality of British statesmen, with the history of Great Britain regarding the cotton textile industry till now, is it any wonder that we in this House, and in fact the whole of the Indian public, should fight very shy of whatever may be devised, with whatever high motives and ever so innocently, by my Honourable friends on the Treasury Benches? There may be a good deal in my friend Mr. Birla's apprehension that, once protection is allowed to the United Kingdom in the Indian market, it may not be easily removable. The course of this will depend upon the future relations of India and England. If it is a contented India under the British Crown, I expect that there will be room for plenty of deliberate Imperial Preference for U K. goods with

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the free vote and goodwill of representatives of the people of India in this House hereafter If it is a depressed India in bondage of England, then all that I can say is, God help both England and India

Sir, I have now put before the House my frank reasons for supporting this Bill I wish to quote, in support of what I have said, from a telegram which I received from my Chamber, and I will only quote one or two sentences from it The telegram says

"If there was any guarantee that adequate protection would be forthcoming immediately without any element of what is called Imperial Preference, Committee would have unhesitatingly accepted it in preference to the proposals put forward (by Government) Committee feel that they have been compelled, in absence of any alternative, reluctantly to accept Government proposals rather than see this national industry in which all parts of India are interested, wiped out of existence which would be a calamity not to Bombay city alone but to the whole country "

I think, Sir, after this, there should be no question of the motives of those on this side of the House who support this Bill I have, for purposes of my remarks today, taken for granted all the worst apprehensions of my Honourable friends who oppose this Bill Similarly, my support to this Bill is under circumstances which are unavoidable

Sir, the unenviable position of the Indian industry could not have been better exemplified than by what has been clear on the floor of the House during the last three days It has been necessary for some representatives of Indian commerce and industry to get up from their seats and plead before their fellow Members here, whose solicitude for India's national industry cannot possibly be questioned, for support of this Bill I suggest that the villain of the whole piece is not the Indian millowner but the existing transitory stage of the reforms and the unenviable position in which we are from the constitutional point of view Sir, the approval of the Legislative Assembly, to this Bill, if secured must be regarded as the inevitable result of the circumstances in which we are placed, and must be regarded as one which left no option to those who support this Bill But there is a touch of morbid humour for some and humiliation for others in the discussion before this House When a part of the country is actively pleading for independence and for boycott of foreign cloth, we in the Legislature are being asked to give protection to a British industry as it has been called, and indeed, is bound to be in the eyes of the public outside What a moment to choose for such a gesture to Great Britain! If this gesture of goodwill from the Government of India to the Government of Great Britain, Sir, is to be useful, to the United Kingdom, it is not unlikely to foment agitation in this country for not only boycott of foreign goods but, I am afraid, for boycott of British goods I am sorry for the psychological moment which has been selected for this measure I very much wish, Sir, that it were possible for the Government of India to avoid this unfortunate moment for the expression of this friendly gesture As far as we are concerned, I can assure my Honourable friends on my right that there is no pleasure to anyone of us to support the Bill and to vote in a different lobby. It is there that we feel that we are the victims of the circumstances in which the country and the constitution of the country at the moment is If there is any feeling which is uppermost in the minds of Indians who vote for this Bill, I should not be surprised if it is a feeling of humiliation because they are the victims of the circumstances in which the country is placed today

Sir the measure is said to be an emergency measure, designed to give immediate relief, and an immediate stimulus to the industry Will it be effective? Who are the best customers of the productions of Indian mills, and even of Lancashire mills? I have no doubt the reply can be only one, namely, the masses The Right Honourable Mr. Snowden, Chancellor of the Exchequer, a few months back, is reported to have said somewhere that, if he could only increase the purchasing power of the masses of India by something, however, tiny and small, he would get all the custom which might be necessary in order to keep the mills in Lancashire going I propose to quote to the House from a speech delivered by the Marquess of Linlithgow at Rangoon on 7th November, 1927, when he was in India The Noble Marquess said

"Raise the purchasing power of the ryot, and in one stroke you will give to the industry, to manufactures, and to commerce in general an extended field for service The prosperity of the factory is linked indissolubly, and to their mutual advantage, with the productivity of the field Industry requires raw materials and markets for finished products The cultivator sees in a prosperous industrial population an ever increasing market for the produce that he grows"

I wish to ask whether, with all the protection which is ensured either for Indian manufactures or for British manufactures Government have made sure that there is, amongst the customers of these two, which at present appear to be the object of solicitude of the Government of India, that power which can really keep these two going It strikes me that we are, or rather the Government of India are, following a policy which I cannot put in more apt words than the words which you, Mr President, at least can fully understand

"Agai dor, peechi chor"

(The crowd runs ahead the thief is behind) In ordinary course a crowd follows a thief in order to catch him but in this case the crowd runs ahead to catch the thief, who is behind

What about the purchasing power of the masses, the royal class of customers both of Lancashire and the Indian textile industries? I close my remarks with this question which I particularly direct towards my Honourable friends on the Treasury Benches, Sir George Schuster and Sir George Rainy

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions Non-Muhammadan Rural) Sir, the Honourable the Deputy Leader of the Independent Party, with a great deal of hesitation, asked and answered the question "Who is the villain of the piece"? He said that it was not the millowner, and I agree with him The millowner is the victor, he is not the villain And even so the victims are the masses for whom he pleaded so apologetically The villain of the piece, if I may say so without meaning much offence, without meaning any offence, is the Honourable the Commerce Member He is the villain of the piece for this particular reason Whenever he wants to do something for a national industry—and I am willing to grant that it is a national industry—he puts the nation on the horns of a dilemma The capitalists are a part of the nation, even as the followers of Diwan Chaman Lall! But the Honourable the Commerce Member delights to put the entire nation on the horns of a dilemma He says, if you want protection—and we most certainly want protection for the Bombay industries,—then you must at the same time be prepared to give the "special protection" for Lancashire! That is

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the whole problem Protection for the millowners of Bombay and special protection for Lancashire! I wonder whether the Honourable the Deputy Leader of the Independent Party will accept that descriptive phrase "special protection" Obviously the Honourable the Deputy Leader of the Independent Party is not listening to what I am saying Well, Sir, after having made a speech, Parliamentary formality expects him to answer a question from a subsequent speaker

Sir Purshotamdas Thakurdas: I am sorry

Mr. C. S. Ranga Iyer: I am glad that the Honourable the Deputy Leader of the Independent Party is willing to answer my question I wanted to ask him whether he is prepared to agree to that description of what I may call "special protection for Lancashire" He does not like the word preference, but is he also prepared to call that "special protection"

Sir Purshotamdas Thakurdas: It has been so-called by the Honourable the Finance Member

Mr. C. S. Ranga Iyer: I know that the Honourable the Finance Member has called it "special protection", but I wanted to know if a representative of the great commercial interests in India is also willing to call it "special protection", because I attach equal importance to his description of the same thing

Mr. M. A. Jinnah (Bombay City Muhammadan Urban) Surely the Honourable Member can see that in the Bill itself Surely the Bill itself is very clear and if the Honourable Member has read it, he would see that it does impose a differential duty

Mr. C. S. Ranga Iyer: Therefore we have also the Honourable the Leader of the Independent Party agreeing to this

Mr. M. A. Jinnah: The Bill says so It is not my opinion

Sir Purshotamdas Thakurdas: I am always willing to give any information which I can to the Honourable Member, but I am afraid, Sir, that I am not able to follow his question clearly I have put, from the practical point of view of a mere merchant, my view of the case and I have nothing further to add to what I have already said

Mr. C. S. Ranga Iyer: I know the Honourable Member has nothing further to add I was only asking whether he agreed to the description of the kind of protection given to England, as a special protection—protection on the one side and special protection on the other I should like to know why we should be asked to grant "special protection" to England I am quite willing to grant protection to the Bombay industries That is what the Leader of my Party wants I cannot understand, however, why either the Honourable the Finance Member or the Honourable Members on the Independent Benches should ask us to grant special protection to England

Sir Purshotamdas Thakurdas: I am very sorry that my Honourable friend thinks that I agree with or approve of what the Government are offering I have tried to put forward my view, and if it suits my Honourable friend, Mr Ranga Iyer, to distort my view, I cannot help it. He can go on repeating his own version.

Mr. C. S. Ranga Iyer: I beg the Honourable Member's pardon, if he thinks I am repeating my own version I am only stating a matter of fact which the Honourable Member cannot deny, namely, that he is in agreement with this Bill

Sir Purshotamdas Thakurdas: I am not

Mr. C. S. Ranga Iyer: His vote will show

Sir Purshotamdas Thakurdas: If I vote for this Bill, if I support this Bill, I support it under circumstances which leave me no option

Sardar Kartar Singh (East Punjab. Sikh) He is not a free agent.

Mr. C. S. Ranga Iyer: I must, in all fairness, admit that the Honourable the Deputy Leader of the Independent Party is supporting this Bill under circumstances over which he has no control But I should like to know whether the special circumstances that prevail and which compel the Leader and the Deputy Leader of the Independent Party to take a particular course of action—I should like to know whether the special circumstances that govern them will also be taken into consideration by those in England who are carrying on a propaganda for special Imperial Preference The Honourable the Deputy Leader of the Independent Party quoted, by way of justification of the Government measure, the opinion of the Honourable the Finance Member, saying that it was not Imperial Preference Of course my Party has through out maintained, and I do maintain, and I shall presently prove, that it is Imperial Preference But I am first willing to take my stand on the ground which the great Leader of the Independent Party enunciated yesterday, and which his principal lieutenant in this House endorsed today And, Sir, the Deputy Leader of the Independent Party said that it was not Imperial Preference and by way of authority .

Mr. M. A. Jinnah: I think the Honourable Member is misrepresenting, and I do appeal to him, to his sense of fairness, that he should not go on repeatedly misrepresenting what I have said, and if he has not understood what I said, I should like him to get a copy of that speech of mine and carefully read it

Mr. C. S. Ranga Iyer: I accept the Honourable Member's challenge. I am not misrepresenting him I shall read what he said

Dr. A. Suhrawardy: Not misquote him either

Mr. C. S. Ranga Iyer: I am not misquoting, nor misrepresenting. He said that, "Imperial Preference can only be either a reciprocal arrangement between two free nations or a voluntary gift from one to another" and now his Deputy quoted the Honourable the Finance Member as having said that it was not Imperial Preference and he . . .

Mr. M. A. Jinnah: Sir, that is not my speech. I do not know what the Honourable Member is quoting from

Mr. C. S. Ranga Iyer: The quotation that I just read out is from the Honourable Member's speech.

Mr. M. A. Jinnah: Where did he get it from?

Mr. C. S. Ranga Iyer: I got it from the local newspaper report (Cries of 'Oh! Oh!' and Laughter)

Mr. M. A. Jinnah: I appeal to the Honourable Member, who has got considerable experience as a journalist, how speeches are reported in the newspapers

Mr. C. S. Ranga Iyer: It is the report of the Associated Press.

Mr. M. A. Jinnah: It is all the same

Mr. C. S. Ranga Iyer: I am glad that the Honourable Member has repudiated the report of his speech by the Associated Press, namely, his interpretation of Imperial Preference I thought, Sir, the Honourable the Leader of the Independent Party almost said yesterday that this was not Imperial Preference

Mr. M. A. Jinnah: I never said that This is deliberate misrepresentation now I have said it over and over again that I never said that

Mr. C. S. Ranga Iyer: Then, I am glad that the Honourable the Leader of the Independent Party concedes that this is Imperial Preference Now that he concedes that this is Imperial Preference, my difficulty has been minimised Are we or are we not to vote for Imperial Preference? So far as my Party is concerned, it will not agree to it and so far as the country is concerned, it will not agree to it either

Now, I shall deal with what the Honourable Member's Deputy has said He said, it was not Imperial Preference The Honourable Leader of the Independent Party (Mr Jinnah) did not say so Therefore he will have to settle his dispute with his own lieutenant

Sir Purshotamdas Thakurdas: Leave it to us, and proceed with your speech

Mr. C. S. Ranga Iyer. Mr Jinnah does think it is Imperial Preference, while Sir Purshotamdas Thakurdas thinks it is not, I am now concerned only with the latest speech on the subject and I say that this is Imperial Preference, because, Sir, Imperial Preference is preference shown by one part of the Empire to another of the Empire, against a country which does not belong to the Empire That is Imperial Preference pure and simple In this there are three countries involved, and all the three countries are mentioned in the Statement of Objects and Reasons printed and presented to us relating to this Bill One is Japan, the other country is India, and the third country is England I would put it like this, first England, second India and thirdly Japan Now, India is a part of the British Empire, England is a part of the British Empire and Japan is not a part of the British Empire

India gives, under this Bill, preference to England, India discriminates against Japan This is pure and simple Imperial Preference The Honourable representative of the Bombay Mill industry interpreted, if I am not misrepresenting him, that Imperial Preference meant reciprocity of obligations.

Mr. H. P. Mody: Reciprocity of benefits

Mr. C. S. Ranga Iyer: I am willing to be corrected There is reciprocal benefit accruing both to the millowners of Bombay and the millowners of England from this Bill (Laughter.) Bombay gets protection The millowners in England, according to the official language, get special protection

Therefore there is reciprocity of benefits Now then according to his own definition here is a case of Imperial Preference pure and simple I do not know if Mr Jinnah said yesterday, at least he is reported to have so said, that Imperial Preference must be in the nature of a voluntary gift

Mr. M. A. Jinnah: Sir, may I instruct the Honourable Member? I merely stated that, as I understand the principle of Imperial Preference, it can be either as a reciprocity or as a voluntary gift That was merely my idea of what I understand to be Imperial Preference I said nothing more and nothing less

Mr. C. S. Ranga Iyer: I am glad to know that The Honourable gentleman's idea is quite correct For the present case, it is crystalclear. Imperial Preference is not a voluntary gift, but an involuntary surrender on the part of those (The rest of the sentence was drowned in laughter) And in spite of the very reasoned, the very appealing and the very enthusiastic speech which he delivered, I do not think the Deputy Leader of the Independent Party can make us agree with his dictum that this is not Imperial Preference Even though he has quoted his own Chamber in regard to that,—and he has quoted it in the best interests of the country, of which I have no doubt—even though he has quoted the Honourable the Finance Member to assure this House that this is not Imperial Preference which he is anxious we should not be committed to, I have one very great difficulty, and that is this We are dealing with England We had the assurance of the Honourable the Commerce Member yesterday that this action has been taken by Government on their own initiative and without any inspiration from outside I do not for a moment suggest that he was inspired by the great propaganda that was being carried on in England by the megaphones of Imperialism, the *Daily Mail*, the Rothermere and the Beaverbrook groups, all of which wanted Empire free-trade and all of which have merged themselves finally in the party of Mr Baldwin, the principal plank on whose platform is nothing else and nothing more than Imperial Preference Sir, I am reading from the *Morning Post*, the official organ of the Conservative Party in England·

"The official policy of the Conservative Party, as summed up by its leader Mr Stanley Baldwin, is, safeguarding, Imperial Preference, Imeprial rationalisation and Imperial co operation"

I do not know whether there is rationalisation or Imperial co-operation here It is not certainly co-operation between a dependency and a country which is governing it at present It is most certainly Imperial Preference.

Mr. M. A. Jinnah: It is "India, Peace or War?"

Mr. C. S. Ranga Iyer: Yes This is certainly Imperial Preference. (Laughter)

Sir, I also find in the *Morning Post* the die-hard correspondent at Delhi of that die-hard paper describing what the significance of the passing of this Bill would be; and he says:

"If this Imperial Preference in this amended form is accepted by the Assembly, it is not because the unofficial leaders here respect the mandate of the present Socialist Government, in whom they are beginning to lose confidence, but because they wish to help the Government of India by endorsing the plea of the Right Honourable Stanley Baldwin in behalf of Empire preference."

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Well, Sir, I know the manner in which propaganda has been carried on in England on behalf of Imperial Preference Sir Purshotamdas Thakurdas, whom I do not find now in his seat, will not be quoted by the great Conservative Party. . . . . .

Mr. M. A. Jinnah: Sir, I may inform the Honourable Member that he has deputed me here to look after his interests (Laughter)

Mr. C. S. Ranga Iyer: The Leader of the Independent Party, who is acting as deputy for his Deputy Leader (Laughter) will I hope correct me if I am not correctly representing Sir Purshotamdas Thakurdas Sir Purshotamdas Thakurdas denied on the floor of this House, and quoted in support of his denial, the Honourable the Finance Member that this is not Imperial Preference But when the Conservative Party, from whose official programme and policy I have just quoted, launch their campaign in England, I do not think even the Leader of the Independent Party will say that the speech of his Deputy will be quoted or even be recognised during the great election campaign in England, or for that matter, when the Conservative Government comes to power I do not want that Conservative England should have an opportunity of saying, at the forthcoming election to the great democracy of Britain, that India is committed to Imperial Preference The Conservative Party, I must frankly say, is not our friend at present The Leader of the Conservative Party had most certainly taken a friendly attitude, but the very fact that he has surrendered since to the Rothermere gang and the Beaverbrook gang only shows that the real party, so far as India is concerned, is not the Conservative Party but the Conservative die-hards The die-hards are the salt of the earth (Laughter) and they are certainly the salt of the Conservative Party And what is their programme? Their policy is, "No more surrender to India", "Imperial Preference" and so on and so forth I am quoting this from the *Nation and Athenæum* which has published an extract from the party programme, "Imperial Preference and no more surrender to India" This is Lord Rothermere's manifesto on behalf of his party, which has since merged itself in the Conservative Party after the explanation that Mr Baldwin gave, when he explained Empire free-trade as the goal of his policy and that for the time being he would take his stand on Imperial Preference.

Lieut.-Colonel H. A. J. Gidney (Nominated Anglo-Indians): Lord Rothermere had not joined with the Baldwin or Conservative group when he made the statement, "no further surrender to India". This he stated months before he joined Mr Baldwin and to attribute either to Mr Baldwin or the Conservative Party this statement is to mislead the House and has a sinister motive

Mr. C. S. Ranga Iyer: Mr Baldwin issued the following invitation to Lord Rothermere, published in the *Morning Post* of February, 25. He said

"No political party in this country can at the present stage adopt Empire free-trade which is no doubt the goal that we have in view But the only business-like method with which to start the journey towards the great ideal is that contained in the official Conservative policy of safeguarding, Imperial Preference" etc

After this memorable appeal of Mr Baldwin to the Rothermere and other groups, they merged themselves in the Baldwin group, and we have to deal with the official policy of the Conservative Party and the goal of the Rothermere group Taking these two things together, I will not be a party to the policy of making this Assembly play the part of a handmaid to British Conservative Imperialism And that will be the interpretation that will be put, that is being put, that has already been put on it, because the *Times*, in an editorial, appealed to India to pass this measure of Imperial Preference with a view to get the sympathy of England I do not propose to ask for the sympathy of England by giving them a bribe, for this is nothing more or nothing less than a bribe (Hear, hear) But at the same time I fully grant the very difficult position in which the representatives from Bombay are placed Sir, the very tactful, lucid, clever speech of the Honourable the Leader of the Independent Party yesterday made it quite clear to us that he was supporting this Bill, not because he liked the opportunity to discriminate in favour of England, but because he was afraid that this Bill would be wrecked if it was amended in the manner in which the Leader of my Party sought to amend it It is not because he is in love with this Bill, but he feels that he is on the horns of a dilemma and he feels that, somehow or other, he must help the Bombay industry I feel, Sir, that we, who are for a policy of protection, so far as the industries of India are concerned, are in the same difficulty There is no getting away from it (Hear, hear) Just as they have weighed the pros and cons of the question and come to the conclusion that it is necessary to sacrifice this bit of idealism for what is practical, even so we have come to the conclusion that it is necessary to sacrifice what seems a little practical lest we should be interpreted as having committed ourselves to a policy of Imperial Preference fraught with danger to the future of our industries The assurances of the Honourable the Finance Member may be very good But they are not binding on him, because his constituency is not in India, but his constituency is, Sir, nothing more than the great British Government For these reasons, it would be impossible for us to give our support to what is Imperial Preference I say it is Imperial Preference, even as the Deputy Leader of the Independent Party said it is not Imperial Preference I am sure, if it is interpreted as Imperial Preference, he will be the first man in India to stand up and emphatically protest against it, and it is with a view to guard himself for the future, that he himself has said it is not Imperial Preference (Applause) I quite appreciate the very diplomatic, very far-reaching effect of that protest against the future interpretation of this policy as Imperial Preference Now, Sir, to the official denials

They said they are not asking this House to commit itself to Imperial Preference. I do not attach much importance to what they ask and that they do not ask. For instance, I do not accept their denials and confirmations They deny that we are the representatives of the people They deny that we are organised in and out of this House They say we are a very microscopic minority We do not accept their denials. For my part, I refuse to accept their denials that this is Imperial Preference, for the simple reason that their denial is not binding on the British Government; mere official denials cannot liquify hard facts in regard to the Indian policy.

Lastly, with regard to the tariff, we must be grateful to the Leader of the Independent Party to have quoted to this House the authority of the

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Secretary of State We must also be grateful for the ruling that you Mr President gave on that point and again when you invited the Members of the Executive Council to assimilate themselves to the position of Ministers If they were Ministers, if they had a constituency, if they had an election to face, I am sure they would not have been a party to a policy of Imperial Preference They would not have taken the position that this is not Imperial Preference I do not for a moment say that their intentions are not true They may honestly feel and say this is not Imperial Preference, but they have no power over the forces that preside in their own country and they have no power to interpret away the interpretations of their superior authority Sir, tariff autonomy has not been granted It is just as well that Mr. Wedgwood Benn knows that tariff autonomy has been denied on the floor of this House by the Commerce Member when he repeated his own view in the course of the exceedingly convincing speech of the Honourable the Leader of the Independent Party on the question of tariff autonomy What did the Honourable the Commerce Member say? He said, "I have come to this House with my mind made up I have come to this House either to endorse this Bill if it is passed in the manner in which I want it to be passed, or I have made up my mind to put it into the waste-paper basket If you amend it as the Leader of the Nationalist Party wants it to be amended, we will have nothing to do whatever with the Bill If on the other hand you amend it as the very intelligent late Member of the Swaraj Party has amended it, if it is amended in that subtle manner without affecting the principle of the Bill, then I will accept the Bill" That is not tariff autonomy That is not consulting the House That is holding a pistol to the heads of the Members of this House and telling them, "Take this Bill or go without protection for your Bombay industries". (Interruption) The Honourable gentleman who represents the Anglo-Indian community in this House says it is "tariff monopoly"

Lieut.-Colonel H. A. J. Gidney: Tariff monotony

Mr. C. S. Ranga Iyer: He is so monotonous that he says this is tariff monopoly. (*An Honourable Member* "Tariff monotony") Call it monopoly or call it autocracy or call it anything you like Tariff autonomy does not exist It is much better that the socialists, sitting on the Treasury Benches in Westminster, should abstain from believing in things that are not true Tariff autonomy has not been granted to us, and it is good that His Majesty's Government have been taught by the Honourable the Commerce Member, an important Member of the Viceroy's Executive Council, that His Majesty's Secretary of State was talking through his hat Sir, it is a repudiation of the Secretary of the State by a Member of the Viceroy's Executive Council Nothing more and nothing less than a strong, clear, forcible, emphatic repudiation of His Majesty's Secretary of State who, to see the Indian feelings, perhaps, said that, "Tariff autonomy has been granted to India", "Dominion Status is in action" Well, nobody in this House has said we are a Dominion, or that there is Dominion Status in action It is good, it is necessary, that the Socialist Government should know that what they are trying to do in England is being undone in this part of the world, and it is undone in letter and in spirit in this important measure They are giving us Imperial Preference and they are saying it is not Imperial Preference Soft words cannot liquify hard facts, and whether the Bombay industries are going to be benefited or not, I am not

going to take my stand on the question of Imperial Preference to which I am not going to be a party Sir, yesterday a nominated Member from Bengal in a very energetic speech (*An Honourable Member*· "Madras") a nominated Member, the Editor of the *Bengalee* of Calcutta (*An Honourable Member* "He comes from your own province "), in a very energetic speech, took exception to the presence of distinguished representatives of another friendly country in the neighbourhood of this House Sir, in the House of Commons, when England had resumed diplomatic relations with Russia, it was a pleasure to see distinguished representatives of that great country in the Distinguished Visitors Gallery We have not cut off diplomatic relations with Japan That ought to be sufficient for a nominated Member of Government (Laughter)

Sir, the Honourable the Deputy Leader of the Independent Party referred to the boycott of British goods He feared, I think, that British goods were going to be boycotted by way of protest against the passing of this measure—I hope I am representing him correctly—while the responsibility for sowing the dragon's teeth will be on those who vote for this proposition (Applause)

Mr. K. B. L. Agnihotri (Central Provinces Hindi Divisions Non-Muhammadan) Sir, I rise to oppose the Bill My opposition is not based on the ground that protection is being granted to the cotton mill industry, on the contrary, I have been all my life a supporter of protection being granted to the cotton mill industry in India The cotton industry in this country has been a great national industry in the past, is a national today, in spite of what my Honourable friend, Mr Chaman Lall, may say, and it will continue to be a national industry in future I do not agree with the view of my Honourable friend, Mr Chaman Lall, who has got advanced ideas, that an industry is not a national industry unless it is nationalised That is not the argument that I am going to advance I consider that every industry, which employs millions of people, and which adds to the national wealth of the country, is a national industry, and that to support such a national industry should be our primary duty in this country Now, if I make any opposition today to this Bill, it is because it involves the principle of Imperial Preference Not only that, this Bill is a unique Bill, in that it has been brought forward for protecting an industry not in existence in this country For instance, the manufacture of white, coloured and finer cotton goods is not an industry that exists in the country, according to the note circulated by the Honourable the Commerce Member, and according to the statement in the Report made by Mr. Hardy So we need not provide any protection for that Protection should be given to an industry that exists in this country, not that the protection should be given for an industry which does not exist in this country; and that is another reason why I consider that this Bill is objectionable. I am surprised to know that the millowners of Bombay, shrewd as they are, intend to support it I fail to understand how they have agreed to support it I find that the Bombay millowners are anxious to get some support from Government in the form of a protective duty I am afraid it is not going to bring them any protection. I would tell them that it would be better for them not to accept such a gift as this from the Treasury Benches, which might have the effect of ruining their own Indian industry. I shall put before the House later what has been the history of the cotton industry in this country in the past, and what has been the attitude of those who have ever been professing that the interests of this country have always been before them, that they are the

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trustees and that we should have trust in them I will also say a little later how, even in spite of the 3½ per cent cotton excise duty, the Bombay cotton industry survived, not only survived but gained in strength That will show to them that the depression which the industry is feeling at the present moment will not be a long lived one, and they should not be despondent What is offered in this Bill is not a real protection, what we have before us is an Imperial Preference with a loaded pistol from the Government Benches, when they say, "Either have this protection with Imperial Preference, or you go without protection at all" Could we not do without such protection? For many years our industry has gone without such protection, and could we not wait until we are in a position to have real protection ourselves? Supposing we accept, what would be the result? The home industry will suffer, nay, will die out I have no doubt they are fully aware of Mahatma Gandhi's movement for the production and use of *khaddar*, the improvement and development of the cottage homespun industry, and the movement of boycott of British cloth which is at present in their favour, the Swadeshi movement has been helping the mill industry in the past The British cotton industry has suffered not only because of the import of Japanese goods into this country, but because of the development of the Swadeshi movement, that gave an impetus to the Indian mill industry Therefore my humble submission to my friends, the Bombay millowners, would be that they should wait

Mr. H. P. Mody: How long?

Mr. K. B. L. Agnihotri: It is a question of time If they could wait for about 70 years, from 1853, when the first cotton mill was erected in Bombay, if they could brave the situation created in 1895, and in the early periods inspite of the imposition of the cotton excise duty, if they could recover from that position, and not only recover, but develop their mill industry, it goes without saying that they could meet even this present competition from Japan No doubt the competition was due to Japanese favourable labour conditions, Japanese industries have benefited by women being employed and other favourable conditions But what do we find today? From the Honourable Sir George Ramy's speech we find that labour conditions in Japan have changed, they have adopted the same Washington hours Convention to which India has subscribed, and in their mills the women are now working for shorter hours My humble submission therefore would be that the period when full recovery is attained will not be far off Sir, it may be the convention that our tariff autonomy consists in the joint agreement of this Legislature and the Government But then part of this Legislature, about half of it, with the nominated Members is the Government itself Of the elected Members, a majority of them do not want this Bill, which involves the principle of Imperial Preference Even the Government themselves, in their cable to the Secretary of State, have said that it is solely for revenue purposes that they are imposing this extra duty, in that cable they do not themselves show any preference to England How can they come forward and say that they shall not agree to the views of the majority of elected Members of this House for that tariff autonomy which has been granted to us and that they shall keep to their views which are different from those of the so-called elected representatives of the country? No Government which professes to stand on the strength of public opinion can for a moment consider this course desirable Therefore I am of opinion that the millowners

should have no apprehensions of losing protection and should not accept this Bill Were we to refer to the Bill itself and to the speech of the Honourable Sir George Rainy, it would be amply clear to us that there is nothing beyond the principle of Imperial Preference provided in this Bill It was quite a correct statement when my friend Mr Jayakar said the other day, that we might call it Protection or Imperial Preference or give it any other name, but preference there was in the Bill Simply because the Honourable Sir George Schuster happened to say to this House that it included only a principle of differentiation and he did not use the words "Imperial Preference", are we to conclude from that statement that this does not include Imperial Preference? I may refer the House to his speech in which he himself stated that, at this stage of the Bill, he was not prepared to ask the House to accept the principle of preference Similarly the Honourable Sir George Rainy also says that we should commit ourselves to the principle of Imperial Preference at this stage He said, if I were to ask the House to do that, I should be asking the House to rule out of discussion important amendments that were proposed in this House, and he meant thereby that unless and until the amendments are considered by this House, we cannot say that we have committed ourselves to the principle of Imperial Preference From this it will be clear that this is a measure which involved the principle of Imperial Preference, but though they are not at present prepared to say that Imperial Preference has been accepted by us for the simple reason that, if the Bill is taken to the amendment stage when the amendments are considered, and if the Imperial Preference question is thrown out, the Bill as it would emerge thereafter would not contain the principle of Imperial Preference, otherwise it would certainly contain the principle of Imperial Preference

Now, looking to the Bill as it is, what do we find? It is clearly stated therein that duty is to be imposed on the goods that are not of British manufacture It will thus be clear that it is not only a case of Imperial Preference, as has been inferred by us, but it is a clear case of Imperial Preference, which has been embodied in the Bill itself Therefore, Sir, any argument to the effect that the Bill does not involve any principle of Imperial Preference is futile and cannot be borne out by facts On the other hand, Sir, I do not know whether the Government Benches have deliberately avoided the use of the term Imperial Preference They probably scented that there would be a strong opposition on this question of Imperial Preference, and so perhaps they have been careful enough not to use the words Imperial Preference in the body of the Bill But I would not blame them for this I would rather blame ourselves that we had not properly attended to the Bill I do not suspect the Government Benches nor do I accuse them of having deliberately refrained from using the term Imperial Preference in this connection, thinking that, if they used that term, the House would have known from their own statement that this measure would involve the principle of Imperial Preference, and the House could have gone a step further and would not have laboured to find whether or not this Bill involved any principle of Imperial Preference or only laid down a new and novel principle of creating an enactment to protect the industries of England, which England herself is strong enough to protect by enacting her own laws But the question is whether we, as a mere dependency or as a Dominion in embryo or as a subordinate branch of the British Government, should take this step of providing in our laws an Act to protect the foreign industries that are not in existence in this country or do not compete against ours in this country, as I have

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pointed out, and as will be amply borne out from the Report of Mr Hardy, as also from the speech of the Government Member This is a matter for our serious consideration

My humble suggestion is that we should throw out this Bill, if for nothing else, at least for this, that it involves a novel principle of creating a new law to protect the English industries

Then, Sir, the second point that I wish to deal with is this Taking it for granted—and it is a fact—that this Bill involves Imperial Preference, the question is whether we should or should not support it True, as a dependent nation, we have no voice in the matter It is true that the Government would certify the Bill if we throw out this present Bill But if the Government want to have Imperial Preference introduced, let them do so as they did by the imposition of cotton excise duties, and by artificially fixing the exchange ratio, they can certainly protect the English industries and give them the protection that is near to their heart, but we should not be a party to it, not because personally or individually we are averse to it, but the country is against it Also because we have taken upon ourselves the sacred duty of representing the constituencies which we have the honour to represent We have also taken upon ourselves the responsibility to put before the Government what our constituencies think about the present measure The Government have got the eyes to see, but they will not see, the Government have the mind to think, but they will not think, the Government have the heart to understand, but they will not understand Were anybody with his eyes open to go into the country, he would be able to gauge the true feeling in the country The Government do not seem to know it Now, so far as England is concerned, what is the feeling in the country? It is against her, I think there is hardly a man who has not the spirit in him to feel that India should some day, if possible, be ruled by Indians themselves, that so far as possible, India should not remain under the tutelage of any nation, be it howsoever benevolent, as England claims to be, be it howsoever kindly watchful of our interests as England professes to be, but there is no nation in the world, there is no educated man in this country who has not the desire in his heart to have self-government, be it in Dominion form, or be it in form of independence, but every one of us wants self-government, in whatever form it may be It may be expediency that makes us say what some of us say, but I have not been able to come across any Indian who has once travelled across the seas or who has seen foreign countries, who has not brought with him the idea that India should also be on the same level as England or as any other self-governing countries in the world Even England has given out the idea that India should, in the fullness of time, have the same equality of status in the Empire as any other part of the Empire has, that is, England does realise that India should also be made an equal partner of the Empire That may be our ultimate goal, but it is our goal It may be that our masters or the persons who pose as our trustees or who are managing our country for us may consider that, for the time being we are not fit or competent enough to carry on the administration of our country, but they cannot deny our right to self-government They have admitted it times out of number that self-government is our goal. Therefore, my humble submission is, if this is the feeling which the Government find about the general position in the country, they should

certainly be able to know what the feeling is about their policy in regard to the industries in this country Indians from one end of the country to the other know full well that in the 16th and 17th centuries India could hold her own so far as cotton industries were concerned It was Indian silk and cotton industries that brought the foreigners to the shores of India, which brought the English to our country for trade purposes. It was a providential destiny that linked India and England together, and we have to see how our interests have in the past been watched by the Englishmen who are our trustees If the preference to England is in the interests of India, in that case alone it should be given Only in that case the Bill should be allowed to pass Government Members have been very clever in putting forward this proposal before us Sir George Rainy said, at the concluding portion of his speech, that had it not been in the interest of India, we would not have taken the responsibility, and no Member of the Government would have taken the responsibility to put this Bill before this House Now, how are we to know it? The only course open to us is to see from the past history how our interests have been watched in the past, and how they are watched at present We have to see how our industries flourished in the past, and in what condition they are now I shall not tire the House by reading long extracts, but I will show in brief what the condition of the country was in the 17th century India was a cotton producing country and its muslin was the envy of nations Its calico or dyed cloth was the envy of the English nation, and England out of sheer envy, prohibited its use in England itself Coloured goods, fine muslins and fine silk were not only produced in this country in sufficient quantity for the people of this country but used also to be exported to foreign countries In short, India thrived at that time on the earnings of its cotton and silk industry. How have these things died out? In the year 1769, a letter was issued by the East India Company to Bengal to the effect that, "The Company desired that the manufacture of raw silk should be encouraged in Bengal and that the manufactured silk fabrics should be discouraged and they also recommended that the silk winders should be forced to work in the Company's factories and prohibited from working in their own homes" This letter was written on the 17th March, 1769 This is how our interests were watched in the year 1769 I am quoting from "The Economic History of India" by R C Dutt In the Report of the Select Committee of the House of Commons in the year 1783, it was said that this letter contained a perfect plan of policy both of compulsion and encouragement, which must, in a very considerable degree, operate destructively to the manufactures of Bengal Its effects must be to change the whole face of that industrial country in order to render it a field of the produce of crude materials subservient to the manufactures of Great Britain This was how our Indian industries were treated in the year 1769 Further, before the Committee of the House of Commons, as will appear in the Minutes and Notes on the affairs of the East India Company in 1813, pages 463 and 467, one Mr John Ranking, a merchant, was examined He was asked:

"What is the *ad valorem* duty on piece goods sold in the East India House in London?"

He said:

"The duty on the class called calicos was £3-6-8 per cent upon importation, and if they are used for home consumption there is a further duty of £68-6-8 per cent."

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"There is another class called muslins on which the duty on importation is 10 per cent , and if they are used for home consumption £27-6 8 per cent"

"There is a third class of coloured goods which are prohibited from being used in this country," (*that is, England*) "upon which there is a duty on importation of £3 6*s* 8*d* per cent , and if it is used for home consumption an additional duty of £78 6*s* 8*d* The duty on muslins used for home consumption is £31 6*s* 8*d*"

From this you will realise what was the condition of the industry in India at that time, and what embargo was placed on Indian export and import of Indian cotton goods in England and their sale therein From this we shall find out what was the interest that was taken in our industries and affairs in the year 1769 and up to the year 1813 Even now, in spite of the loud professions to the effect that we are on the same basis as the Dominions, that Dominion Status is working in this country, as Mr. Ranga Iyer pointed out from the speech of the Right Honourable Wedgewood Benn, do we find that it is not a fact The discussions yesterday between the Leader of the Independent Party and the Government Benches must have shown that there is no tariff autonomy. Although Dominion Status has been said to be in action because it was said India enjoyed tariff autonomy, Dominion Status is only kept as our goal, we have not got it yet, and we may not get it for thousands of years to come He will be a bold prophet who can say that we will get Dominion Status in our generation and in our time I am a pessimist in that way I believe it is not coming in the near future

Now, let us see what another historian, Mr H H Wilson, says about this In the Parliamentary Debates of 1813, he said

"The real object of the Parliamentary inquiry of 1813 was to promote the interest of the manufacturers of England Napolean Bonaparte had excluded British manufactures from the Continental ports, the merchants and manufacturers of England were labouring under difficulties, the country was menaced with distress unless some new method of sale for its industrial products was discovered"

Then further on, five years after the date of the Parliamentary inquiry in 1832, another historian, Montgomery Martin, described and condemned the commercial policy of the time About the conditions of our industries he said

1 P.M

"Since this official report (Dr Buchanan's economic inquiries in Northern India) was made to Government, have any effective steps been taken in England or in India to benefit the sufferers by our rapacity and selfishness? None! On the contrary, we have done everything possible to impoverish still further the miserable beings subject to the cruel selfishness of English commerce The pages before the reader prove the number of people in the surveyed districts dependent for their chief support on their skill in weaving cotton, etc Under the pretence of Free Trade, England has compelled the Hindus to receive the products of the steam-looms of Lancashire, Yorkshire, Glasgow, etc , at mere nominal duties; while the hand-wrought manufactures of Bengal and Behar, beautiful in fabric and durable in wear, have had heavy and almost prohibitive duties imposed on their importation to England"

This was the way in which our interests in the 18th century and in the early part of the 19th century were watched by our self-styled rulers in India

Further on, on page 300 he shows how our industries fared in this country and why our industries were ruined at that time·

"Had they sanctioned the free importation into England of Indian cotton and silk goods, the English cotton and silk manufactories must, of necessity, soon come to a

stand India had not only the advantage of cheaper labour and raw material, but also the experience, the skill, and the practice of centuries. The effect of these advantages could not fail to tell under a system of free competition * * *

Accordingly, England prohibited the import of the goods dealt in by her own factories, the Indian cotton and silk fabrics The prohibition was complete and peremptory Not so much as a thread of them would England permit to be used. She would have none of these beautiful and cheap fabrics, but preferred to consume her own inferior and more costly stuffs She was, however, quite willing to supply the Continental nations with the far finer fabrics of India at lower prices, and willingly yielded to them all the benefit of that cheapness, she herself would have none of it"

This is the way how England protected her own industries, and looked after the interest of India This is the way, Sir, we wish India should protect her own industries I wish to tell my Honourable friends, the Bombay millowners, that they should not be impatient I can assure them that every man who has ever cared to read the economic history of this country shall be prepared to help the Indian cotton industry whatever may be the odds I, for the matter of that, am prepared even to raise the duty to a higher percentage than what is proposed by the Honourable the Commerce Member, not because it may be hard on the poor consumer, but because it will protect our industry and it will protect the very cotton industry that has died out in the past It will not only give this country a breathing time but it will give us an opportunity which is badly needed for this country to develop her cotton industry of the finer stuff What does my Honourable friend the Commerce Member say about this? He says that we are imposing this duty and we are giving protection to England not for the purpose of development in India of cotton industries, in finer stuff, but we are providing this duty for the purpose of protecting the industry which is already in existence I quite agree that, so far as that industry is concerned there is such need at present It has braved the storm of the foreigners in the past, it has braved the lull of depression in the past, and it has braved the storm of the high and exorbitant duties that were levied against it These duties were imposed at a time when this country had been placed in a very low economic position, but the economic history has been taught to us by our learned masters and we have also learnt it well at the feet of our *Gurus* on the other Benches Would we not, after having learnt this much, come to the help of our own Indian industry when need would be? But Sir, what was the bone of contention between the English and Indian industries in the past? It was not only the plain grey goods or those goods which were manufactured by not only the weavers but also the women folk in their houses in the villages, but it was the industry that produced finer silk yarn, that produced finer stuff in cotton and that produced coloured goods in this country. These products were the competitors of the foreigners in the trade at that time It was to protect that industry that we fought in the past, and it is for that industry that, even now I am prepared to ask the Government to impose even a higher duty if necessary And I propose to do this for the simple reason that, although it may be a costlier thing to us today, in the future, as the wealth will remain in our own country, it will be for our use and benefit. If we develop the production of finer stuff, it would mean also the employment of more labour It will give employment to the millions of my unemployed countrymen. It will give employment to those educated classes about which even the Government publication called, "India in 1927-28" has

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said that the unemployment question in the educated classes was severely felt in the country It is, believe me, very severe and something has to be done to alleviate the distress. People who have received education are not paid enough wages In fact, their wages do not come up to the level of the wages of the illiterate labourers in the mills of Bombay Now, if the finer yarn is produced, which requires more intelligence, more educated youths, who are roaming about the country aimlessly and without any work, could be given some labour It is not only for the purpose of developing that Indian industry, but also for the purpose of finding employment for the Indian youths that I urge on the Treasury Benches to give protection to the Bombay industry I will later on show that the protection that they propose to give is not enough Sir, it was that industry of finer stuff, to kill which, to murder which, the English manufacturers in the past fought their utmost I have so far given to the House the English history up to the period before 1833 Let me show to the House the interest that was taken in our industries from 1833 onwards, say, up to the year 1895

In 1877, Sir John Strachey, in presenting his financial statement before the Governor General in Council, repudiated the doctrine that it was the duty of the Government of India to think of Indian interest alone and confessed the sentiment that there was no higher duty in his estimation than the duty which he owed to his own country The Commerce Member said the Bill was in our interests Sir, I dare not charge the Executive Councillors of the Government of India, who are representing the Government in this House, that they are unpatriotic when they say that I would not charge them with this, but I would at least say that they have as much the interest of England at heart as they have of this country It is in the interest of England that on a mere letter or a mere reminder from the British Cabinet about the possible disaster to Lancashire trade that the Executive Councillors of the Government of India thought it proper to give a preferential duty to England I thus submit, Sir, that, even today, the interest that is evinced in the case of our own industry is apparent enough by this preferential duty that is raised in this country Now, Sir, I would just put before you what was done by Lancashire to foreign industries about the year 1877 I am quoting from the "Economic conditions in India" by one Mr Pillai, from page 190

"While the imports of twist and yarn remained almost stationary in the seventies, the Indian exports went up from 2.01 million lb (annual average) in the quinquennium 1871-75 to 15 39 millions in the succeeding quinquennium, and though the imports of manufactured cotton goods were steadily on the increase, the Indian exports of cotton manufactures of all sorts rose from 12 million yards in the earlier half of the decade to 19 millions in the latter half"

My Bombay friends will please note that even at that time the mill industry was developing and prospering:

"Lancashire which regarded the Indian market as its own close preserve, was frankly alarmed by this tendency, though yet it was hardly affected by the development of the Indian industry In 1877-78, therefore it began to exert itself in the matter The deficiencies in Indian revenue caused by the Mutiny and other military activities in India had forced the Government to levy heavy import duties amounting at one time to 20 per cent *ad valorem*, and Lancashire attributed the prosperity of the mills to their protective influence. It accordingly got the House of Commons

to pass a Resolution to the effect that 'in the opinion of this House, the duties now levied on cotton manufactures imported into India being protective in their nature, are contrary to sound commercial policy, and ought to be repealed without delay as soon as the financial condition of India will permit' As a matter of fact as we shall see later on, the duties had no protective effect to speak of, as the Indian products did not compete with those of Lancashire, there can be no protection where there is no competition But Lancashire was persistent and the House of Commons reaffirmed their Resolution of 1877, with the result that on March 15th, 1879 the first step in the ultimate repeal of the import duty on cotton goods was taken. It was then confined to the coarsest class of Lancashire grey goods, which came nearest the region of Indian competition In 1882, all import duties were abolished, and India became fully a free trade country "

Now this was the pressure which Lancashire brought to bear and this was the result of the Resolution which was moved in the House of Commons, the Mother of Parliaments, which has ever been watchful of our own interests My Honourable friends, representing the Bombay millowners, will kindly attend to the subsequent passage which occurs in the same book It runs

' The years immediately following the repeal of the import duties saw a rapid development in the Indian cotton industry It was stated by Sir Henry James in the House of Commons debate of the 21st February 1895, that between 1882 and 1895, the number of spindles had increased from 1 550 000 to 3,500,000 and that while in the six years ending in 1882 the United Kingdom held two thirds of the trade with Hong Kong, China and Japan in the four years ending in 1895, four fifths of this trade had passed to India "

This would show that, even in spite of the abolition of the import duties of 20 per cent , which were levied against British goods at that time, the Bombay mill industry could manage to recover, not only recover but develop its growth I may also remind Honourable Members that, at this time, that is the year 1878, was the period of famine in the country, and still, in spite of that, and immediately after famine, the Bombay mill industry was able to develop In this connection, I may also submit that the whole bone of contention just now, as I have said, was the position of the finer counts of the cotton industry in this country Where is the protection to Bombay in that matter? Where is the protection for those mills of finer cotton stuff the manufacture of which is being started? Only the other day, yesterday or the day before, I read in a newspaper that Sir David Sassoon was contemplating the starting of five mills in Madras for production of finer stuffs If such mills could be started at present, what is then all this talk of depression in industry? Are we to act on the telegraphic communications of such interested persons from Bombay to the effect that, if the grant is not made immediately, there will be a closing down of all the mills in Bombay? This was the cry raised before the whole country in 1927, three years ago, when the Tariff Board was appointed to inquire into this question This was the cry raised at the time when the Tariff Board presided over by Sir Frank Noyce reported that the Bombay mill industry required protection. That was the time when protection should have been given to the Bombay industry. It was the time when labour conditions in Japan were favourable to them and were a handicap to us in this country, that the protection was needed. If protection was not given at that time, in 1927, and when those conditions have changed in the year of grace 1930, when during the course of these three years the Bombay mill industry is carrying on, how can we say that the Bombay mill industry will die and it will not tide over the present crisis if protection is not forthcoming. I am quite prepared

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to give protection to the Bombay mill industry I am agreed in giving protection to the Bombay mill industry for this reason and for this reason alone, that it is to develop the industry of the country in finer stuff, to develop the industry which I consider to be national, and for the development of that industry alone, in which our salvation lies, I shall be prepared to give protection. It is for that sole purpose that every one on this side of the House would be prepared to give protection But for that, we are not prepared to sacrifice our principles We are not prepared to lay a precedent for the future We are not prepared to endorse the protection given to Lancashire in the past, for at that time the activities of Government could not be said to have been with the approval of the country Knowing the public opinion in the country, which was growing stronger and stronger every day, the Government cannot now, by their mere ukase, raise the duties so as to give preference to Lancashire At that time it could not be said that we approved their action or that we supported them in principle, but today the position has changed and my humble submission is that, if for nothing else, at least as it creates a precedent, it ought not to be supported We should not say that we are forced to accept this Imperial preference because it also gives protection, or because the Honourable the Finance Member and the Honourable the Commerce Member are holding a loaded pistol to our heads and saying that, unless we take this thing as it is, they are not going to give us any protection We should in such a case be prepared to say, "Take away the whole thing" If we could survive after so much obstruction in the past, if we could survive after a much stronger attack on our industry, should we not be able to survive now when we have built up the industry, when we have sunk crores and crores of capital and built up some reserves, should we not be able to keep that industry going for two or three years more? My humble submission is that we can do so, and if any support from the country at large is needed, the country will be ready to give it. I can give one instance and that is that in spite of Mahatma Gandhi's non-co-operation movement, in spite of Mahatma Gandhi's influential leadership in the country—today he can take behind him the whole country if he so pleases—in spite of a few people who may have submitted to him in the days of the non-co-operation movement, in spite of all these things, his exhortations for the use of *khaddar* alone were not accepted by us against the use of mill-made goods Why? At that time we believed, rightly or wrongly, that the supply of *khaddar* could not be enough to meet the demands of the people in the country At that time we believed that in view of the luxuries we had taken upon ourselves and to which we were attached, we would not be able to spin the *charka* for an hour or two every day in our own households, and we believed that, because of the education we gave to our ladies, and because of their constitution or rather the luxuries to which our womenfolk were accustomed, they could not be able, or they could not be strong enough, to go on spinning and could not be able to produce yarn enough for the production of cotton goods sufficient to meet the demands of the whole country In view of all these things, we did not at that time support Mahatma Gandhi in his campaign against mill-made goods, and in his cult of the exclusive use of *khaddar* We at the same time told Mahatma Gandhi that, "We are prepared to take up your banner, we are prepared to follow your banner,

provided you include the products of Indian mills, the yarn and cloth manufactured by mills in India"

Mr. B. Das: I hope my Honourable friend Mr Mody recognises it

Mr. H. P. Mody: I hope I do

Mr. B. Das: Deeds and not words are wanted

Mr. K. B. L. Agnihotri: From this we may show to our friends of the Bombay mill industry that it was because of this that we kept back at the time, knowing full well, as we did, the economic history of this country, knowing full well how it had fared at the hands of our well-wishers, rather our masters, knowing all these things, how was it that we did not subscribe to *khaddar*? It was because we thought that we should encourage the mill industry of Bombay (Hear, hear) that we sacrificed our national principles for the sake of development of our national industry

It was for this reason, and this reason alone, that the educated Indians did not follow Mahatma Gandhi in such a large number as could be expected in his propaganda for the *khaddar* movement And that is the sacrifice which we are prepared to make in favour of the Bombay industry We can promise them, we can assure them that we shall not only be content to use Indian goods ourselves, but we shall also try our level best to encourage and ask our fellow-countrymen outside to use Swadeshi cloth That will bring us our regeneration, that will give us the bright future for our country Dominion Status may or may not come to us If economically we are strong enough, if our economic growth is perfect and complete, we are sure that we shall have a millenium in no time Therefore my humble submission is that, having this asset, having this promise from us, the Bombay millowners should not be tempted to accept a bait which is nothing but a gratification and an illegal and immoral gratification It is nothing short of a gratification to them, a bait to them, a temptation to them They should not lower themselves and their self-respect by accepting a bribe I am not prepared to endorse the threat which some of my friends have made that, in case the Bombay millowners accept this bait from the Government Benches, it will alienate the sympathies of the people who will resort to boycott of their goods That may or may not be the result It is for them to realise Therefore my humble submission would be that we should not accept it, and my request to the House will be that it should not abet this act of the acceptance of an illegal gratification by the Bombay millowners from Government and it should not support the Government in passing this Bill, as laid before us, as it involves the principle of special protection to England I am prepared to accept, for the sake of argument, my Honourable friend Sir George Rainy's remarks that it is only for the purpose of protection of the existing industry that he is giving this protection to the cotton industry. But what has he to say about the coloured goods? Has not Mr Hardy found that India also produces coloured goods and that too in pretty large quantities? What protection is he giving to coloured goods? He takes away all the coloured goods from the purview of grey goods, That was a thing which required protection. England is perfectly willing to accept this 15 per cent duty, or even a 20 per cent duty on plain grey goods so long as it does not affect its finer stuff, so long as it does not affect

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its showy goods, so long as it does not affect its coloured goods The other day, Mr Ainscough, the Trade Commissioner for India and Ceylon, showed how the British traders' prospects could improve I think I will be taxing the House if I read the whole article, so I will read a portion of it. He says

"The Indian market may conveniently be divided into two separate and distinct groups Firstly, there are the bazaar trades, which include all the imported articles in general use by the vast Indian population, and which are sold to Indian importers and dealers in the bazaars at the ports and large distribution centres throughout the country

In this group price considerations are paramount, and low price and showy appearance are greater desiderata than equality, durability or even value for money. This group includes cotton and woollen piece-goods"

What I wish to point out is that England, in the past, tried its level best to see that the manufacture of the coloured goods should not be encouraged, the sale of coloured goods produced in India should not be encouraged in England England not only imposed heavy duties thereon, but prohibited its sale throughout the country There must be some reason for this, and what is the reason? The reason is human nature We have to look to our tendencies towards luxuries It is a part of our human nature to show ourselves well off by use of fine dresses and clothes, to see that our ladies appear in good dresses, to like the coloured and showy goods Gaudiness is the rule of human nature And in spite of civilisation, it still continues and lingers on It not only lingers on, but the votaries of fashion have found to their cost that the coloured articles in their various shades are much more popular today than what they have been in the past Ladies, as a rule, are very anxious to show themselves off by putting on gaudy and coloured dresses Similarly, as for ourselves, how many of us here are putting on the coarse stuff which is produced in this country? How many of us are here to patronise Lancashire and British trade in the market? We shall find, by looking at our own selves, that even these millowners of Bombay, these champions of Indian mill industries, are the greatest defaulters and the greatest culprits, in the use of finer stuffs They manufacture cotton goods for the use of the poorer classes They do not manufacture cotton goods for those rich people and the middle-class people who are prepared to empty their pockets in the purchase of finer stuff and gaudy things, which are showy and fine to look at Therefore what is the industry that we should encourage What is the thing that should be developed? It is not the coarse goods only but finer cotton goods What about the grey goods? What do we find from the statistics that have been supplied to us by Government? We find that in India there is steady growth of grey goods There is not one year in which the Indian cotton industry has not developed, in spite of these handicaps Will any Honourable Member of this House show, from the statistics supplied to us by that Government, that in any year, after 1917 up to date, the produce of grey cloth has decreased? Whether we judge it on the consumption or production, whether we judge it on the amount of imported goods from England or the imports that we receive from Japan or other countries, there is no decrease in the production of our own factories in India Therefore my humble submission is that the cotton industries or the mill industries in Bombay, which produce grey goods, can hold their own even now, in spite of any handicaps, that may be existing against

them What is needed is not the coarse cloth that may be used by the poorer people, but the finer stuff that may be used by the educated people, by people who are votaries of fashion and are growing in luxury. It was for this reason that England came to this country It was for this purpose that other foreigners came to our country If you will permit me, Sir, I will show, from page 257 of, "The Economic history of India" as to who are to be looked to for consumption of cotton goods

"Warren Hastings was asked 'From your knowledge of the Indian character and habits, are you able to speak to the probability of a demand for European commodities by the population of India, for their own use?'

'The supplies of trade', replied Warren Hastings, 'are for the wants and luxuries of a people, the poor in India may be said to have no wants Their wants are confined to their dwellings, to their food, and to a scanty portion of clothing, all of which they can have from the soil that they tread upon' "

From this you will find that it is not the poorer classes of this country that are to be considered for the use of the products of the Indian industries, but it is the well-to-do classes which indulge in luxuries that are to be catered for and considered So, Sir, my submission to the House will be that the millowners of Bombay be requested, the Government of India be urged, not only to protect the cotton industries in respect of grey yarn but to develop the produce of the finer stuffs, to protect the coloured goods, for which no protection is provided by my Honourable friend on the other side I urge that it ought to be done Otherwise, we will only be giving protection to England and to other countries Now take the case of dhotis, the bordered dhoti The dhoti is brought within the purview of grey yarns, but the bordered dhoti has been carefully kept out May I ask any person with an intimate knowledge of the use of dhotis in this country whether, in the whole of Bengal, the whole of the United Provinces, the whole of the Central Provinces, the whole of Madras, the whole of the Bombay Presidency, and the whole of Bihar and Orissa, *i e*, practically four-fifths of the continent, the male population use dhotis and the female population use sarees? The dhoti or the saree is a piece of cloth with a border Is there any protection to that? Now the Ahmedabad mills, the Bombay mills and mills in my own province, the Empress mills, produce large quantities of these bordered dhotis How does my Honourable friend, the Commerce Member, protect them? He does not say anything about that Leaving aside the finer goods, take the case of dhotis which are used by the ordinary middle class population When a middle class man goes to the market, he asks the cloth merchant to supply a pair of dhotis and the cloth merchant brings out the mill product of my friends, the millowners of Bombay, or the mill products of my friends, the millowners of Ahmedabad or those of my friend, Mr Birla, in Delhi, or the mill products of Tatas in the Central provinces Along with them, he also brings out, it may be a bleached stuff, or of the finer yarn, the dhoti produced by Lancashire or Manchester When the man sees both of them side by side, he sees that the foreign product is finer than the Indian and also it is cheaper than the other What does he then care to purchase, this coarse cloth or the finer cloth from Manchester or Lancashire, which is also cheaper at the same time? He would choose the latter May I ask my Bengal friends, or the nominated Members from Bengal, for the matter of that, what cloth they would use in their houses? They are the persons from the middle-classes, and unless they use the Dacca or Shantipur dhotis, they will succumb or their ladies will succumb to the temptation of purchasing the finer material produced by Lancashire,

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which is also cheaper Does he care to know whether the thing that is being produced in this country is cheaper in the long run, or whether the stuff that is cheaper at the moment is cheaper? He is concerned with what is cheap at the time of the purchase

In this connection I will support my friend, Mr Ghuznavi, when he said that, in 1905, when the Swadeshi movement came in, when the whole country was throbbing with new enthusiasm to use Swadeshi goods, my friends from Bombay did well use their opportunities at that time I would not say that they used them wrongly Perhaps I would have done the same thing in their place They found that the whole country was burning with enthusiasm for Swadeshi goods, and they thought, why not take advantage of their sentiments, of their patriotism? And so they raised the prices Sir, I am going to show that in those early days, working under the inspiration that I received by my contact with the Leader of the Nationalist Party, during my college career at Allahabad, I thought that the use of Swadeshi cloth by my countrymen would be beneficial to my country, and I used to preach to my fellow countrymen, to my shopkeeper friends in the mofussil towns in the Central Provinces, the backward tract of the country, about the use and sale of Swadeshi cloths But everywhere I went I received only one reply They said the foreign thing was cheaper and the country-made goods were dearer A man, who had to purchase, say, six pairs of bordered dhotis for his large flourishing family, would not buy the dearer stuff He would ask How could he pay for a pair Rs 5 or 6 for the product of Ahmedabad or Bombay, when he could get superior stuff from Manchester or Lancashire for Rs 2 or 3? All my appeal for patriotism or for the future benefit to the country would not have any effect on him Of course that is human nature That was human nature, it is human nature and it will continue to be human nature in the future Therefore, my suggestion is that this protection which you give is not enough If you have the interests of the country at heart, if you want to give protection to the cotton industry of this country, this pious profession that we look to your interests and so on will not do You should give protection to bordered dhotis also

My Honourable friend has said that we have committed ourselves to discriminating protection, and that it was the discriminating protection which was advocated by a Commission presided over by an Indian himself, quite right, but my humble submission is that there are circumstances and circumstances for a thing so also a question of expediency There may have been certain circumstances at that time which led the Commissioners to write a report like that, and there may have been an expediency for it It was a time when there was a ban on protection, protection was taboo at that time, and therefore in order to bring round the Government of India to their views it may be, the Commission at that time thought, "Let us first accept this slight little thing which will give some impetus to our industries" But the millowners of Bombay do not care to look ahead, they do not care to see what will be the future of this industry, but they are watchful and anxious to accept any little gift which might be of help to them at the present moment Discriminating protection does not mean that we should not encourage an industry which can, in course of time, hold its own in the country and which can meet competition after some time in future. Now in the case of the finer stuff, as I have pointed out, it had

been in existence in this country before The finer material, in spite of their being no support from the Government, is carrying on today What I say is that, if proper and adequate support is given, the mill industry will be able to hold its own and will kill all competition from outside

Sir, I think I have said enough, and I will not take up the time of the House any longer, but my final warning to the Government would be that they have chosen a very wrong moment, as has been pointed out by the Honourable Sir Purshotamdas Thakurdas They know that a feeling of Nationalism is growing in the country; they know that it is not only growing but it is predominant, they know that all eyes are watching Mahatma Gandhi Why are they watching? Do they believe that Mahatma Gandhi, with his followers, will be able to produce as much salt as would be enough to supply the needs of the country? Not in the least. The whole object is to draw the attention of the Government, and through this Government, to our masters in England to this, that the country at present is aspiring to become a self-governing country, I will not go so far and say of becoming independent I will say that the earlier the Dominion Status is given to us, the better will it be for all It will not only be advantageous to us, but it will be advantageous to our rulers themselves. What would be the advantage? At present anything that comes from the Government Benches is taken with suspicion by this House, anything which we receive from that side we always begin to scan and analyse to find whether there was any motive behind it Give us Dominion Status and all suspicion will disappear Leave it to our own judgment, leave it to our own discretion, to give preference to England. You can then have the grace to say something, and I can assure you that, with the traditions of the past, the Hindus have never shown ingratitude Hindus will always be grateful to their benefactors Therefore you need not hurry up this Bill so far as Imperial Preference is concerned It would not help the Indian cotton industry very much It may help Lancashire in regaining its industry, but that regaining of the industry of Lancashire may be the ruin of the future of our industry of the finer stuffs So in order to avoid the suspicion which is lurking in our mind—it may be unfounded, but all the same it is there, we cannot cast our suspicion out for the simple reason that history has taught us otherwise, let us belie that history—so my suggestion to Government is, do not press that portion of the Bill which contains the threat which you have given, that if we do not agree, you will take back this gift So to avoid suspicion, if for nothing else, do not use such threats, as, "Either take this, or you will not get it again"; such threats always work adversely It is the elected portion of the House who should be asked to vote on this Bill, and that alone will be the voice of the nation by which they ought to be guided. I will be failing in my duty, Sir, if, in spite of the love that I have for the Government of India, I do not give this warning I should be the last person to say a word against the English Government, if for nothing else, at least for this, that it has enabled us to know of our own rights, and that we are not in a position to turn the foreigner from our land If nothing has come to us from the English connection, at least we have learnt this thing, that now we should be united We have begun to realise what our aspirations are, and what should be our goal Therefore I say that though it is said to be a blessing in itself that we have been able to voice our grievances, it will be a

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greater and real blessing to us if we have a controlling voice in the management of our country But apart from all that, we have the country before us, and the interests of the country at present require that you should not give Imperial Preference to England

The Assembly then adjourned for Lunch till Three of the Clock

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The Assembly re-assembled after Lunch at Three of the Clock, Mr. President in the Chair.

Mr. K. C. Roy (Bengal Nominated Non-Official) Sir, we have heard already the exposition of the Bombay case from two very distinguished Members of this House, Sir Cowasji Jehangir and Sir Purshotamdas Thakurdas The very telling speech which Sir Cowasji Jehangir delivered in this House yesterday convinced me of three important points, first that the Bombay mill industry is in a desperate condition, and that the Indian-owned industry needs assistance from the Indian Legislature, second, that the Bombay millowners with the home-grown cotton at their very door have been unable to meet the competition of the foreigners, and third, that the Bombay millowners have not been able to manage the Indian labour properly due to external influences With these points made by Sir Cowasji Jehangir I am in entire agreement, Sir, and if I vote for the Bill, even at the risk of committing ourselves to Imperial Preference, it will be done for the benefit of the Bombay mill industry and the industry elsewhere There was also a fourth point, which was made by Sir Cowasji Jehangir, about which I am not yet convinced He maintained that the Bill does not commit us to Imperial Preference, and as he proceeded, I felt that he was an adept in the art of self-deception My Honourable friend said yesterday that Mr Chaman Lall had missed his vocation, but, he will find a very formidable rival in Sir Cowasji for the stage. If it is not Imperial Preference, what else is it, I should like to know from the Honourable Member when a country, constitutionally situated as India is, is giving protection to Lancashire Is there any parallel anywhere? Sir, I have been reading the Report of the Indian Fiscal Commission, and I can find no parallel to it in their Report Then, Sir, what is it? It is nothing but Imperial Preference, and like my friend, Mr Chetty, I am not afraid of Imperial Preference, but at the present moment it is Imperial Preference without even a temporary reciprocal advantage When we are placing at the disposal of the British nation and British industry the only tangible asset that we possess, that is the Indian market, I do say with full conviction that, as time comes, Britain will recognise what we are doing for her To me, Sir, preference is a purely political proposition, and I beg to differ from my friend Mr Chetty, when he says that Imperial Preference is a pure economic proposition. To me, Sir, as it has been in all the Dominions, it is a very important political proposition, and I should look forward to the time when we shall be fully repaid for what we are doing now, and it is in the spirit of give and take that I support this Bill, fully understanding that I am voting for Imperial Preference

Sir, I am surprised that Imperial Preference has not been seriously considered by His Majesty's Government as well as by the Government of India earlier What is the position of the British export trade to-day? I

have before me, Sir, an analysis prepared by an eminent Australian economist, Mr Macdougall, whose name is well known to many Members of this House Since the war, what is the position of the British export trade to this country? It is suffering from a shrinkage or contraction And who are the people who are competing? It is the United States of America In 1913, Sir, the total value of the export trade from the United States of America to India was 2 2 millions, and in 1928 it was 11 millions Who were the other competitors in the field? Our friends, the Japanese In 1913 the total value of the export trade from Japan to India was 2 9 millions, and in 1928 it was 14 6 millions This should make the Government of India think that they have a duty to perform We are prepared to give them preference, but where is the reciprocity? We have no love for the United States of America In their country we are treated as undesirable aliens, but they are supplying us goods to the extent of 11 million pounds

Mr. B. Das: How is it exploitation?

Mr K. C. Roy: I am very sorry for you, Mr Das Then, Sir, take the Japanese I have a great respect for the Japanese We are proud of their achievements in the East, but what is the justification for the rapid expansion of their trade to the detriment of British industries in this country? I do not feel, Sir, that Japan has done half as much as Britain has done for us Where was the sense of Indian nationality before Britain came to this country? I will love Britain any day (*An Honourable Member* "Shame"), because she has done much for us, and if we have got to achieve political results we must rely upon British support and British co-operation

Now, Sir, an important point has been raised about the constitutional position of this House *vis-a-vis* fiscal autonomy We have before us three very important expositions First and foremost is the interpretation given by Sir George Rainy In the next place, I shall place the interpretation of my friend, Mr Jinnah, whose views, I may tell the House, are known to every one, because he was one of the promoters of the Reform Scheme in 1916, and a third interpretation has been put on it by our worthy Secretary of State in a debating speech in the House of Commons only recently Sir, I was in a humble capacity connected with this movement in 1916 in England I was a witness before the Crewe Committee I was a witness before Mr Montagu and Lord Chelmsford, and I also gave my evidence before the Selbourne Committee The essence of the Convention cannot be understood fully until we refer to the Montagu-Chelmsford Report The late Mr Montagu and Lord Chelmsford found themselves unable to make any recommendation I shall give their own words:

"The changes which we propose in the Government of India Act will still leave the settlement of India's Tariff in the hands of a Government amenable to Parliament and the Secretary of State"

But they proceeded to point out the Indian feeling on the subject.

"This real and keen desire for fiscal autonomy does not mean that educated opinion in India is unmindful of Imperial obligations On the contrary it feels proud of, and assured by, India's connection with the Empire, and does not desire a severance that would mean cutting the ties of loyalty to the Crown, the assumption of new and very heavy responsibilities, and a loss of standing in the world's affairs Educated Indians recognise that they are great gainers by the Imperial connection, and they are willing to accept its drawbacks They recognise that the question of a tariff may be mainly, but is not wholly, a matter of domestic politics"

[Mr K C. Roy]

Tariff is not a matter of domestic politics Then, Sir, the findings of the Crewe Committee have been ably placed before you by my friend, Mr Neogy The sum total of the Crewe Committee's Report, a copy of which I have not got before me, was more or less on the lines of greater reliance for Tariff purposes on the views of the non-official Members of this House What was the position created by the Joint Committee over which Lord Selbourne presided? The Resolution of the Joint Committee is this

"In the opinion of the Committee therefore the Secretary of State should as far as possible avoid interference on this subject when the Government of India and its Legislature are in agreement, and they think that his intervention, when it does take place, should be limited to safeguarding the international obligations of the Empire and any fiscal arrangements within the Empire to which His Majesty's Government is a party "

In the present case we have no Imperial obligations, and we are no party to any transaction or any commitment in the matter of this textile industry, but that is a matter beside the point Then, Sir, Lord Selbourne wrote

"Whatever be the right fiscal policy of India for the needs of her consumers as well as for her manufacturers, it is quite clear that she should have the same liberty to consider her interest as the interest of Great Britain, Australia, New Zealand, Canada or South Africa "

But of course this parallel is not correct They have got sovereign Parliaments there, and in our present Parliament we have an irremovable executive and a transitory Legislature Then, Sir, the question is whether by a Statute this fiscal autonomy,—the word autonomy is not used in the Report, the word used is "convention",—could not have been guaranteed to us That was one of the considerations which engaged the attention of the Selbourne Committee, and this was the decision

"It cannot be guaranteed by a Statute without limiting the ultimate power of Parliament to control the administration of India and without limiting the powers of veto which vest in the Crown and either of these limitations finds a place in any of the Statutes of the British Empire "

Technically, Sir, there are no statutory powers conferred upon the Dominion Parliaments, but in actual practice the Dominion Parliaments have absolute sovereign powers, and, Sir, whatever may be the views expressed in this House, I claim that this House has no tariff autonomy whatever That, Sir, is a matter for constitutional lawyers and for Parliamentarians to decide, but as one who has had something to do with the development of this convention, I am clearly of opinion that, as a convention, its working was based upon assumption of mutual co-operation, and it cannot work consistently and achieve results with strong opposition from the opposition Benches

Then, Sir, there is one point about which a good deal has been said, and that is about the distribution of certain pamphlets in the lobby of this House This was a matter that was carefully considered by the Watch and Ward Committee, and there was no more ardent exponent of the sanctity of the lobby than my friend Mr Ghuznavi He would not have a policeman or a visitor there So was my friend Mr K C Neogy. That was the sense of the recommendation of the Watch and Ward Committee

distribute pamphlets bearing upon the subjects of legislation in the precincts of the Parliamentary Houses This was precisely what was done. And why was it done? Because an important Bill of this sort was not taken to the Select Committee If it had been taken to the Select Committee, we would have examined the representatives of commerce, the representatives of the mill industry from Bombay, Ahmedabad, Cawnpore and other centres

Mr. C. S. Ranga Iyer: Does the Honourable Member seriously contend that pamphlets are distributed in the lobby of the House of Commons?

Mr. K. C. Roy: I was referring to the precincts, and not to the lobby, Mr Ranga Iyer

Mr. C. S. Ranga Iyer: The sanctity of the lobby was violated by the distribution of certain pamphlets I say that I saw that, and I know it

Mr. K. C. Roy: I accept that I got my pamphlet from the Notice Room

Mr. C. S. Ranga Iyer: That is no reason why you should dispute the statement that it was so circulated and by its circulation the sanctity of the lobby was violated

Mr. K. C. Roy: Now, Sir, if a Select Committee had been summoned on a Bill of this sort, what would be the position? Even the Japanese Cotton Spinners' Association could have placed their case before the Select Committee, and we would have heard them gladly

Mr. President: That stage has not yet passed It is open to the Honourable Member to move for a Select Committee

Mr. K. C. Roy: We have spent several days on this Bill and it is time that we finished it one way or other The need of Bombay, as far as I can see, is very urgent

Mr. M. A. Jinnah: Divide, divide

Mr. K. C. Roy: The fact remains that unjust aspersions have been cast, not only upon the Members of this House, but upon some distinguished foreigners who have come in as visitors I have visited many foreign Parliaments and we have been treated with nothing but courtesy and that same courtesy is due to them (Applause) I feel that this Bill is dictated by one of two considerations, consideration for Bombay and the consideration for Lancashire We are not going to barter away our market, but if we pass this Bill, we shall be in a strong bargaining position and that is the position which I have in view, and with that view I support the Bill as moved by Sir George Rainy

Mr. N. C. Kelkar (Bombay Central Division Non-Muhammadan Rural) I rise to speak at a late stage of the debate and I naturally find that I have been anticipated on many of the points. That is however hardly a grievance It is only a matter of relief because I will have to touch only on a few of the points Applying one's mind to the consideration of this question as a whole, one comes up against a number of definite issues, to use a legal phrase; and those issues will be—what amount of protection is already secured after the passing of the Finance Bill to the mill industry? Is it enough Does the mill industry deserve additional protection? Is the additional protection given by this Bill

[Mr N C Kelkar]

adequate for its purpose? Is the form of this protection desirable? Should the mill owners consent to it, and even if they consent what should the Assembly itself do, and lastly what will be the most desirable form of protection in order to satisfy the needs of the mill industry as well as to satisfy the political conscience of this Assembly? It would be tedious to go over the length of all these issues, but I will take up only two or three and express my views on this Bill First of all, I must say this that I want to make my opposition to this Bill as precise and as clean as possible I mean precise in this way The protection to the mill industry comes in different forms I have not opposed the increase in the general revenue duty to 15 I am not going to oppose the imposition of the 5 per cent duty by itself What I precisely object to is not making that duty general and 20 per cent all round That is my precise opposition

With regard to my opposition being clean, I want to say this, that I want to remove from my mind and the mind of this Assembly all animus about the millowners on the present occasion In that way alone can my opposition in this House be clean First of all with regard to the protection We have already secured to the millowners industry a protection in the form of raising the duty from 11 to 15 per cent That is of course technically called the revenue duty, but we all know that a revenue duty at a high level naturally gives some kind of protection to the industry concerned But what is the actual amount of protection that is secured to this industry? It may be said by Government that, in the first instance, there is the positive protection of 15 per cent In the second place, there is the negative protection in the form of the removal of the excise duty to the extent of 3½ per cent That makes it 18½ per cent And then there is this additional 5 per cent They will pile it up like that But at one jump we must cut out all this to 12½ per cent. owing to the change in the ratio Now, much will depend upon the view we take as to whether the prices in the country have adjusted themselves to the new ratio or not If the prices may be supposed to have adjusted themselves, the protection may be perhaps more If, on the other hand, the prices may not be supposed to have adjusted themselves, the protection will be less It is, of course, difficult to calculate what amount of protection will be actually secured under the present conditions to the mill industry But in any case I say that, even supposing that the protection as now secured to the mill industry, stands at 18½ per cent, or even at 20 per cent or something like that, because of the incidence of 3½ annas per pound, it is not quite adequate for the purpose The Government should have been bold enough, at one jump, to go up as far as 30 per cent for a period of five years, so that ample time could have been given to the millowners to put their house in order and to establish themselves on a firm footing

Now, with regard to the animus about the millowners, I will say this When my friend, Diwan Chaman Lall, gets up to speak about the betterment of labour conditions, I always agree with him, especially in regard to the relations of the Bombay millowners and the labour industry in Bombay. But I am going to put in some special pleading in this matter, and it is this, that the impeachment of the mill industry is not relevant to the present purpose We may impeach them when there is another occasion for doing so, but impeachment of the millowners is hardly relevant for the present purpose Even if it is relevant, it is not gracious If we

look at the pitiable condition in which the mill industry finds itself today, no kind-hearted man would ever think of impeaching them on the present occasion or rubbing this point in, but would actually sympathise with them By that I do not necessarily mean that I could advise them to accept the Bill That is another point But that is something quite different from impeaching them on the present occasion We must in this matter consider the question somewhat impersonally The mill industry is something definitely different from the millowners We must try to look at the wood rather than the trees in this matter We should take a collective view of the whole industry When I say this, I am, of course, fully aware of the shortcomings and weaknesses of the mill industry I am perfectly aware of that For instance, I can definitely say that some millowners have not shown a necessary degree of enlightened self-interest Some have been working mills with a defective agency system Some have indulged in speculation in their own shares on the stock exchange. Some have shown imprudence in extending their business in the boom time without laying by sufficient reserves, and some have imprudently distributed their dividends at a time when they should not have done so Some have been too slow in reorganising the industry and many of them—I will change the word "some" into "many"—have not shown sufficient care and attention for the betterment of the conditions of labour I am aware of all this, and yet I say that a regular impeachment of the mill industry and the refusal to it of necessary protection on these particular grounds is not relevant and is certainly not gracious

Things have been said in this House about the difference between a national industry and a nationalised industry I entirely agree that this is a national industry, though it cannot be called a nationalised industry. If I can call myself a national of this country, why should not this big industry call itself national? But leaving out the word "national" or "nationalised" and avoiding this controversy, can we not legitimately say that the mill industry is an Indian or an indigenous industry, and as such deserves protection? Certainly it does deserve protection There are so many other industries in the country which are even smaller than the present industry which deserve protection Take, for instance, workshops, engineering shops, tanneries, tool factories, iron and steel works, mineral oils and so many other industries Are we not fighting for the protection being given to those industries, though they are not big industries in themselves? Certainly every Indian industry deserves protection on the part of this Government as against a foreign competing industry Now, I can admit that, if we give protection to the mill industry, some bad millowners will share the benefits of that protection along with some good millowners But which country is there in the world where this does not happen? Whenever you inaugurate a beneficial measure, there will be some bad men who cannot be prevented from reaping the advantages of that beneficial measure The same may happen in this case But that is certainly no reason why we should refuse to them point blank the advantages of such a beneficial measure We may blame the Bombay mills, but what about the up-country mills? What offence have they committed that they should not be allowed to reap the advantage of this protection? There are mills in Ahmedabad, Delhi, Madras and other places in northern India which stand to gain additional protection and which they must have though they may not be in as bad a condition as the Bombay mills. I hold therefore that on the whole the issue of the impeachment of the mill industry is irrelevant and ungracious and therefore we must

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leave it there Then, I will conclude this topic with giving a parallel about the steel industry What did you do about the steel industry? We all know that when this question was taken up in this Assembly there were many complaints, similar to this, that the Tata Steel Company did not have sufficient provision by way of Indianisation and that the industry and the labour conditions there were certainly not good, and there were strikes, and so on In these matters the Bombay mill industry does not differ from the Tata Iron and Steel Company to which protection was deliberately given by this Assembly

Now, Sir, I claim the Bombay mill industry to be a national industry for these reasons, first of all it is a key industry where crores and crores of rupees of capital have been invested That industry gives employment to lakhs and lakhs of people, and secondly it serves the ordinary permanent needs of the country in one particular department of life, namely, clothing There is one thing more which I should like to say with reference to my Honourable friend, Diwan Chaman Lall I will give him a hypothetical instance and would ask him whether he would like this Supposing a trade union Bill was before this Assembly, and the object of the Bill was to strengthen the position of trade unions in this country, and supposing somebody were to get up on an occasion like that and say to this Assembly that, because some of the trade unions were misappropriating their money, and squandering the money, or because some of the trade unions funds were being wasted in things like communism, would my Honourable friend Diwan Chaman Lall relish such a criticism at that particular time?

Diwan Chaman Lall (West Punjab: Non-Muhammadan) I would not ask the Honourable Member to pay towards the support of such trades unions, as I am being asked to pay for the support of this industry

Mr. N. C. Kelkar: What about the strengthening of the trade unions as a whole, strengthening the powers and position of the trade unions as a whole? So I ask in this particular case whether it should be done We must take pity on the mill industry Our wrath or ire or displeasure, or whatever it may be, must be reserved for the villain of the piece and not for these pitiable people Our displeasure, if we show any, will be spent on the millowners, but not directed against the Government which is the villain of the piece in the matter The Government are acting in this matter like Mephistopheles, trying to capture the soul of the millowners by immediately ministering to their cravings, and next putting temptations in their way Take only this case The Government have been seeing that the mill industry is between the devil and the deep sea, if I may say so, the devil of foreign competition on the one hand, and the deep sea of the intentions of Government on the other And in order to probe the depth of the intentions of Government, the depth which has never been fathomed by anybody, in order to bring that point home to the Government, I will say this It is being said that Government are very anxious to give protection to the mill industry The Honourable the Commerce Member has used this strong language about the situation as it exists today

"I do not think there can be any doubt from all the information that reaches Government to the effect that *emergent* measures are necessary if very *dangerous* results are to be avoided"

You will see, Sir, no words are spared, no emphasis is spared "Dangerous results", "emergent measures" all these weighty words are used Then he continues

"Quite obviously the repercussions on the economic life of the City and the Presidency of any *collapse* in the Bombay mill industry would be exceedingly *serious*"

That makes it clear that the Government are having in their minds the time when probably or possibly a collapse may occur in the case of the mill industry Then naturally the question arises, why did they wait so long? Why did they not take up remedial measures in hand in 1927, when the millowners went to their doors on their bended knees and asked for protection? Why did Government hold their hands then and practically side-track the whole question of giving protection to the mill industry? Why did they do it? Now the Honourable the Commerce Member comes to this Assembly using this strong language, such as "collapse", "dangerous results", and so on and so on That reminds me of a saying of a Sanskrit poet who says

"*Prodipte bhavaneta koop khananam pratyodyamah keedrishah?*"

which, when translated, means, the house is on fire and there is a conflagration, and the remedial measure then is to begin to dig a well for quenching the flames It looks exactly like that Why did the Government wait for three years, if they really wanted to benefit this industry by giving adequate protection? Here is the mill industry on fire and are they now beginning to dig a well and tell us that after digging a well they will draw water and quench the flames of this industry But then the next question is that even though the measure of protection that is given to the mill industry is adequate, whether it will be of practical and material use to the industry? I at once give my opinion, for what it is worth, that the measure is not adequate, and secondly will the mill industry realise all the boasted results of this measure? Look at it The Government themselves say that it is a temporary shelter intended to be given for three years Now what will happen during these three years? The first year will go away and no benefit will go to the millowners because there has already been dumping and there will be more dumping so that the first year will practically be useless on account of the dumping That is, 1931 will be wasted like that We come to 1933, and then there is to be a Tariff Board Inquiry, so the only year that is available for the millowners to reap the benefit is 1932, and I am not inclined to believe that, in one year, or within a year and a half, the mill industry is going to realise these benefits very much in a material measure Could they in one year organise their industry, could they put in new machinery in the business? Could they train labour in one or two years? Could they increase really the wages of labour, or better the conditions of labour if they mean to within a year or two?

Then the question arises whether Lancashire will not occupy the void or vacuum that will be created by giving protection as against Japan? The question will always remain one for speculation as to whether that particular void, created by the reduction of the exports from Japan, will be occupied by the Indian millowners or by Lancashire Who can say definitely what will be the condition? Many shrewd people tell me, who know a good deal about these things, that the result will be that, whereas

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Japanese competition will be out of the way, Lancashire will come in and take its place and occupy the void Then the question is, why should the country or the millowners even antagonise Japan, Italy or Belgium? Why should they antagonise the whole class of Swadeshi workers who are bent upon propaganda about Swadeshi and boycott in these days now when we are face to face with the struggle for achieving Swaraj? Again, if the millowners assent to this, the most important consideration in my opinion will be that they will be simply confirming the suspicions that are afloat in the air that the millowners themselves, at an earlier stage, have agreed to the preferential treatment to Lancashire Even before this Bill was heard of or thought of, I can say confidently, so far as I am concerned, I had read in the papers that one millowner, an influential leading millowner of Bombay, had gone to England and made a bargain with Lancashire on the basis of this preference

Mr. H. P. Mody: Sir, this statement was made by my Honourable friend Mr Neogy yesterday and is repeated today by my Honourable friend Mr Kelkar Permit me to say, Sir, that while I cannot pretend to say on behalf of every individual millowner what he may or may not have done, I can say that, so far as I know, the story has no foundation. Any way, so far as my Association is concerned, no such demand has been made either now or in the past I wish my Honourable friends would accept my denial as final

Mr. President: The Honourable Member refers to some individuals

Mr. N. C. Kelkar: I did not accuse the Association

The Honourable Sir George Rainy (Member for Commerce and Railways): There was no communication either from our side

Mr. N. C. Kelkar: The whole thing was stage-managed

Mr. B. Das: Sir Ness Wadia did it

Mr. H. P. Mody: May I ask my Honourale friend his authority for that statement?

Mr. B. Das: My authority is Reuter's telegram published three years ago.

Mr. H. P. Mody: I should like to see that telegram and find out in what connection it was made, and I should also like to see the authority for that telegram

Mr. K. C. Neogy: I quoted what I consider to be a good authority, namely, a reputed journal published from Bombay, the *Servant of India* I do not know whether the Honourable Member thought it worth his while to contradict that report when it appeared in a paper published in his own Presidency

Mr. H. P. Mody: When it comes to my turn to speak again, I shall tell my Honourable friend what I think of the matter

Mr. M. S. Aney (Berar Representative) Was there any contradiction of it?

Mr. H. P. Mody: Why should there be a contradiction of anything and everything that appears in the Press?

Mr. K. C. Neogy: Certainly, if it affects your reputation.

Mr. President: Order, order Mr Kelkar

Mr. N. C. Kelkar: I shall be ready to accept any well-founded contradiction which my Honourable friend may be prepared to offer circumstantially But that was the impression that was created in our minds two years ago, when this Bill was not thought of or dreamt of And at that time there was a distinct assertion in the Press that one millowner—I am not accusing the Association at all—went to England and bargained with Lancashire about this protective duty against Japanese goods

Mr. H. P. Mody: That is not correct

Mr. N. C. Kelkar: It may be so, but that was the report, and I shall be much obliged to my Honourable friend if he gives the correct version at the proper time

Sir, I have said all this in order to put before the House my view of what the millowners should do In the first place, I have said that I have no animus against them In the second place, I have said that I am prepared to give them all reasonable protection that may be needed for them Let them come up and support the proposal for 20 per cent. all round, and I am prepared to support it. But I am not going to support them in the present arrangement of a preferential tariff against Japan in favour of Lancashire In my view, 15 per cent general revenue duty does give them some sort of protection, and they should help us in raising this question about making it a general tariff of 20 per cent all round instead of an additional protective duty only against Japan to the extent of 5 per cent Let them be bold like my Honourable friend, Mr. Birla, whose observations were certainly conceived in a high and dignified spirit, and I may say that his conduct as a millowner on the present occasion is certainly heroic Every millowner in every part of India should stand up to that example and support us in this House to have an all round duty of 20 per cent I have already said that, even 20 per cent. will not be an adequate measure of protection Let us go forward. Our tariff schedule shows that, when we want protection to be given to inland industries or manufactures, we go higher than that. In some cases, the tariff schedule goes up to 30, 40, 50 and 100 per cent Let them choose any figure which they think adequate We are out to support them Let us make common cause against Government and support the particular tariff which they think will be adequate for the particular purpose. But my words may perhaps be wasted upon the millowners I can realise what particular position they are in, and as the Sanskrit poet says:

"Bubhukshitah kim na karoti papam?"

"What sin is there in this world which a hungry man will not commit"?

The story is told, and we all know it, that a Brahman of Brahmans, Vishwamitra, when there was famine in the land, was ready to eat even the flesh of a dog Therefore I shall not wonder if, in spite of the defects of the present scheme of protection, the millowners will agree to receive it In that case we shall leave them to their conscience and to their gains That, however, does not solve the question as to what we of the popular party or the opposition should do in regard to this Bill. Leaving

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them to their conscience and to their gains, we have to consider what position the Nationalist Party or the other popular parties in the House should take up, and I say that should be unhesitatingly an attitude of opposition to the present Bill

Now, the question has been discussed as to whether this is Imperial Preference or not When once we go into the mystifying wood of words, there is no coming out It is like the *bhukbhulia* (labyrinth) of some of the Rajas So leaving other words, I will take only the word "preference" I will leave "Imperial" and I will leave British goods But it is some preference as against Japan and a discrimination There is no doubt about that My Honourable friend the Commerce Member has been,—I may say to his credit,—perfectly frank about this He says

"Government frankly recognise that, as my Honourable colleague made plain in his budget speech, the method adopted involves preference to British manufacturers"

Though he himself says that his Honourable colleague the Finance Member has not said it in so many words The Commerce Member has been candid enough to use the word "Preference" for British manufactured goods But what does the Finance Member say? He says

"We warned His Majesty's Government that it would not be right for us to ask the Assembly to commit themselves to Imperial Preference as a principle but merely to adopt a particular course which in our judgment was consistent with India's interests at a critical juncture"

We have to mark these words It is not Imperial Preference, but it is a "particular course of action at a critical juncture" whatever we may understand by it

Then, he is himself conscious of the crooked nature of this description, for he says in paragraph 39 of his speech

"Action taken for the provision of revenue is a straightforward matter"

But this provision about protection is not straightforward The measure for protection that he has proposed is obviously and admittedly not a straightforward matter The one was a straightforward matter, the other I may characterise as sneaking, surreptitious and crooked. Certainly it is not straightforward, and therefore we see it in its present form

Now, much has been said in different forms by way of mitigating the evil of this particular principle of preference introduced here This, as the Finance Member has said, is a particular course of action Mr Sarma yesterday said that it was a small measure, a little measure So he wanted to belittle the importance of this measure of preference Sir, this belittling reminds me of a small story The story is about a country parson in England In one of his official visits, he came across an unmarried mother who had helped to bring into this world a piece of humanity in a way not generally recognised, and the parson naturally reproached the woman with having done this She held the little brat before the parson and said "what a wee bit it is" I do not know whether she also used the words, "Sir, it is not a policy, but a particular course of action at a critical juncture". (Loud Laughter) The measure may be small, but you try to belittle this evil, which is a particular course of action at a critical juncture, and say it is a small measure, yet it is illegitimate Referring to that fiscal authority or convention, I would say

this If it was a fiscal convention, real and true, then the Government stand in the position of the mother, and the Legislature stands in the position of the father Therefore any measure brought into being, or sought to be brought into being on that basis without reference to the father or the Assembly is illegitimate It may be said that this measure is put before the Assembly and who knows it may gain the assent of the Assembly also But we do know under what conditions it is going to be done I therefore make a sporting offer to the Government Let the Government officers, the nominated Members, stand out The Legislature means the body of elected Members (Hear, hear) Let them take a decision. If you win in a division like this, then it is legitimate Who can prevent you then from proclaiming that this was given assent to? But if you are going to pass this Bill, after declaring your intention that you are going to admit no amendment that may be passed, after having practically told us so, what a great humiliation it is for us You say you are not going to admit any amendment, even if the House passes it. That at once shows what importance you attach to the vote of the Assembly. Then why should you speak in a dignified manner about the glorification of this non-existent fiscal autonomy? Fiscal autonomy, if it is real, will be tested by three points With regard to the Government and the Assembly I have already stated what the position is That is unreal Then with regard to the Government of India and the Home Government, no one knows what has happened The Honourable Member has said that he tried to take this House into confidence I have never heard that secrecy and confidence go hand in hand and in reply to my Honourable Leader, the Commerce Member has definitely stated that he is not going to lay on the table the whole of the correspondence on this matter How does this Government therefore say that it has taken the Assembly into its confidence? Therefore, secrecy and confidence do not go hand in hand, and I am not prepared to admit that Government have taken this House into their confidence, and surely there is no real fiscal autonomy in this matter Then the only point of contact between Lancashire and India remains That of course is not possible, making Lancashire and India come to any agreement without Government intervening So, therefore, tested on all these three points of contact, from the point of view of fiscal autonomy, we find that fiscal autonomy is a sham and the Finance Member should have considered twice or thrice before referring to that fiscal autonomy in this particular manner Instances have been given of the Colonies in which fiscal autonomy has been realised and Imperial Preference has been given But does the Honourable Member seriously mean that this House is on a par with the Parliaments of these self-governing Colonies? There they can make a free gift of anything There they are at liberty to make any bargain they please, taking into consideration what political or what commercial or what economic advantages there will be My Honourable friend, Mr Jayakar, the other day, said, "I am prepared to give you this measure, but give me in return something very substantial" The Honourable Members opposite did not take up that bait They stuck to their seats They made no reply to him Now, Mr Shanmukham Chetty said the bargain should be on the basis of economic return What is the economic return? That question was put to him yesterday by Mr Neogy, and Mr Shanmukham Chetty was not able to give any satisfactory reply Therefore, there is neither political return nor economic return Then for what consideration shall we agree to this bargain with Lancashire?

Diwan Chaman Lall: Does not the Honourable Member, before p ceeding further, think that an authoritative interpretation of the mean of fiscal autonomy ought to be obtained? Is not that point of order be raised?

Mr. N. C. Kelkar: My point is that the Finance Member himself kno that this is not in the nature of the tariff autonomy or so called fisc autonomy He knows also that India does not like the present Bill a yet he is supporting it and trying to put that before us as if on the bas of fiscal autonomy I certainly do not want to challenge the veracity the Honourable Members opposite when they say that they did not r ceive any mandate from the Secretary of State in this matter I a prepared to admit that But that does not obviate the other fac that the mandate may have come from Lancashire (Hear, hear) A mandates in these matters do not come directly (Hear, hear)

The Honourable Sir George Schuster (Finance Member) Is th Honourable Member suggesting that there has been any direct commun cation between the Government of India and the Lancashire industries?

Mr. N. C. Kelkar: I have said not directly The Government of Ind lives and breathes in the atmosphere of British commerce (Hear, hear), an I think that idea of a preference originating with Lancashire might ha got over the atmosphere or the winds to the Government of India

The Honourable Sir George Schuster: Will the Honourable Membe accept from me the most categorical assurance that no suggestion of an kind of Imperial Preference or preference to Lancashire has ever come t the Government of India, either from His Majesty's Government or fro any representative of British industry? The suggestion, as I have alread explained, has been explained by my Honourable colleague as having em nated from the Government of India If any one is to blame for tha suggestion if it is not a proper proposal, if it is a proposal which doe not commend itself to this House, it is we who are to blame for it N suggestion of any kind has come to us from any party in England on thi matter.

Diwan Chaman Lall: May I inquire whether the Government of Ind are in a position to accept the vote of this House on the proposals the have made?

The Honourable Sir George Schuster: What does my Honourable frien mean by "the vote of the House"?

Diwan Chaman Lall: If the amendment moved or going to be move by the Honourable Member, the Leader of the Nationalist Party, is put t the vote of this House, will the Government of India accept the vote o this House on that amendment?

The Honourable Sir George Schuster: The Government of India are i the position of being responsible for a policy on this matter The Govern ment of India have put before this House what they considered to be proper proposal, a proposal which, after due consideration and taking int account all the considerations and all the interests which bear upon thi matter, they considered to be best in the interests of the country The Government of India are responsible, and they cannot put that responsi bility which rests on them on any other shoulders That is the constitu tional position at the moment and it is for that reason that my Honourable

colleague has announced the decision to which the questioner has referred

Mr. President: What I have not been able to understand so far is this; whether the Government of India in this matter are responsible to the British House of Commons, or whether they are responsible to this House? They cannot be irresponsible altogether They must be responsible to someone in every matter, and I want to know, to whom in this matter are the Government of India responsible?

Mr. N. C. Kelkar: I am prepared to accept whatever may be put before us by way of his sincere sentiments by the Honourable the Finance Member I am prepared to accept whatever is put before the House by the Finance Member, I am not going to question that, but I am a little puzzled in this matter I do not understand how the Government of India came to propose special treatment for Lancashire Why do they not raise the duty to 20 per cent ? They would have got five per cent more of revenue, they stood to profit by it Had they really the interests of the consumer in their mind? Sir, the less said about this matter the better In how many cases did they really think of the consumer? Dr Johnson once said that patriotism is the last resort of the scoundrel Here consumers are the last resort of the Bureaucracy in this country Whenever they want an excuse, they place it on the devoted head of the consumer, otherwise we know how much care they have taken of the consumer Is all this extravagance for the benefit of the consumer? Is all this new taxation for the benefit of the consumer? Therefore the point is, the Secretary of State did not suggest, it is the Government of India alone who have thought of putting this discriminating tariff as against the interests of Lancashire and as against Japan The Finance Member has said in his speech that he knows the history of this cotton tariff business, that this has a long and troubled history, but what is the conclusion to be drawn from that troubled history? If he has read that history, he will know Lancashire has been our principal enemy I do not want to go into that history here If the Finance Member wants it, perhaps I may reserve it for the third reading, but I tell him and he must remember that there is no other enemy of India with regard to her cotton industry so great as Lancashire This troubled history extends over two hundred years, and India has suffered throughout at the hands of Lancashire In the days of the Company, the Government was for protection, but the protection was given for England against the Indian cotton industry. Then when the industry was killed in India, about the year 1840, the Government thought of the blessings of free trade. In 1882 all cotton duties were absolutely removed from the tariff schedule; in 1894 excise duties were put upon the Indian cotton industry. Throughout, we see that the Indian cotton industry has suffered. Indeed, if Government wanted to raise more revenue by taxation, they rather put a duty on salt than put a tax upon the cotton imports from Lancashire. I have no wish to go into this history further, but I really wonder how the Government of India can find a soft corner in their hearts for Lancashire, which has been thoroughly responsible throughout these two hundred years for the ruin of the Indian cotton industry. What would Government have lost if they put a 20 per cent. duty all-round? Certainly they would have

4 P M.

[Mr. N C Kelkar]

gained, and the industry would have gained But this is a cheese-paring Government At the same time the Government are great mathematicians, they have studied the differential calculas, I have not studied it myself, but there is such a thing as differential calculas, and they have investigated and arrived at the minimum which would do the least harm

With regard to the cotton duties, when there was a munity, when Government were short of funds, or in 1894, when the value of the rupee went down, and they found it difficult to impose taxation, or when war came and they were faced with deficits, it was only on those occasions that, in order to meet their own needs, they put on cotton duties, and even then they have not gone beyond 11 per cent , and in some years it has happened that a tax on salt has been imposed, even doubled, and cotton duties were not increased On two or three occasions the Finance Member was obliged to give explanations to the Legislative Council as to why an increase in cotton duties did not find place in the Schedule, which would have brought to Government as much as 10 crores of additional revenue to meet their deficits I say all this because the Finance Member said in his speech that he is acquainted with the long and troubled history of these cotton duties If he has read that history impartially, let him say how the Government of India have a soft corner for Lancashire, which has been the chief enemy of the cotton industry in India This industry is only just coming up From 1894 to 1926 there was that excise duty Whenever there was a small rise in the cotton import duty, it was countervailed by an excise duty So you practically killed the Indian cotton industry, that has been the history of this cotton tariff I am therefore puzzled to know what can possibly have suggested it, unless there has been a revelation from heaven, that they should give this discriminating protective duty against Japan and in favour of Lancashire The millowners say they did not suggest it, the Secretary of State did not suggest it, certainly the Assembly did not suggest it I do not know then who suggested it I am prepared to accept their explanation and not challenge their veracity, but full explanation is due to us so long as the correspondence has not been placed on the table Therefore there is some room for suspicion I do not wish to say anything more If I have got to say anything more, I will say that perhaps on the third reading Here I will content myself with only touching the main aspects of the case as they appear to me, and I have tried to give my answers to some of the issues which I have myself raised

Mr. Fazal Ibrahim Rahimtulla (Bombay Central Division: Muhammadan Rural): Sir, I rise to congratulate my friend Mr Kelkar on the very able speech that he has made before this House He has told us that he would put up a clean fight and he has done so very ably. He has not talked of the Bombay mill industry, of the protection to the Bombay mill industry, like my friend Mr. Ghuznavi who, in his enthusiasm, condemned the Bombay mill industry without even reading the Bill which is before the House Sir, my friend Mr Ghuznavi traced the history of the textile industry in India and his grievance dated from 1905, and because something wrong was done in 1905, without considering either the merits or the present condition through which the textile industry is passing, my friend has advised this House to oppose even the consideration of this Bill.

Sir, from the debate that has followed in this House, I find that there is a good deal of confusion. The motion before the House is merely a motion whether the House would agree to give protection to the textile industry of India. That is the principle which this House is asked to endorse. This is the First Reading of the Bill (*An Honourable Member*. "Not the First") I mean this is the Second Reading of the Bill. What are we voting for? We are voting for the principle of protection to the textile industry in British India In this connection, Sir, I should like to congratulate my friend, Mr Birla, for his very able speech and magnanimity of mind He at least has recognised that protection is necessary, but his grievance is against the preferential duty. May I tell him, Sir, that as far as the consideration of the Bill is concerned, he at least, if not his party, should support this Bill Let us understand the issue before the House The issue before the House is, I take it, to grant protection to the textile industry Later when the amendments come up, it is open to this House, if it is convinced, to accept the amendment of my friend the Leader of the Opposition or to accept the proposal of Government, as embodied in the Bill, or with the amendment of my friend Mr Chetty Therefore, as far as this House is concerned, I take it that, with the exception of one or two Members, there is complete unanimity of opinion that the textile industry requires protection These proposals, Sir, I take it, are the outcome of the negotiations which took place between the leaders of the textile industry in India and the Member in charge just before the Assembly Sessions began

Mr. A. H. Ghuznavi: When was this?

Mr. Fazal Ibrahim Rahimtulla: I said just before the Sessions began. I hope my friend Mr. Ghuznavi reads newspapers. Therefore, the point is, whether the proposals that are now before the Government are acceptable to the millowners in India I won't say, and I hope my friend Mr. Ghuznavi will admit that this measure is not confined to Bombay.

Mr. A. H. Ghuznavi: It is mostly confined to Bombay.

Mr. Fazal Ibrahim Rahimtulla: It may be mostly to Bombay, but the depression is felt all over India

Mr. Mukhtar Singh (Meerut Division Non-Muhammadan Rural) Was it at the suggestion of the millowners that the preferential duty was proposed?

Mr. Fazal Ibrahim Rahimtulla: I say the proposals emanated out of the conference between the millowners of India and the Government of India This Bill is the outcome, I have not come to the preferential duties. . . . . .

Mr. M. S. Aney: The proposals embodied in this Bill?

Mr. Fazal Ibrahim Rahimtulla: The millowners of India required protection, and the Government of India have brought forward a Bill whose principle is protection. (*An Honourable Member*: "Was it part of the negotiations?") That is for the millowners to answer. I must say at once that I am neither a millowner nor a mill agent, nor am I a Labour Leader I am one of those who want to study this Bill on its own merits. The Leader of my party has said that this party considers every measure before the House on its own merits, irrespective of any other consideration, even if 50 per cent. is to be handed over to the labour of the Bombay

[Mr. Fazal Ibrahim Rahimtulla.]

textile industry Sir, in paragraph 53 of the speech of the Honourable the Finance Member, the question has been raised, and this is what he says

"We felt, in fact, that this method of approach from the British Government had a special significance It affords striking evidence that the fiscal autonomy convention has become an integral part of the constitution, and that even when British interests are most profoundly affected by tariff changes in India, the intervention of the British Government is restricted to representation and appeal Complete freedom was accorded to the Government of India to take the final decision in whatever manner they thought right for India"

Sir, the Finance Member has told this House that, as far as the Secretary of State is concerned, he has not interfered with this. The reason why the Government of India have introduced preferential duties is contained in paragraph 58 of that very speech of the Honourable the Finance Member. This is what is stated in that speech:

"In the second place, I must, on behalf of the Government of India, make it clear that we could not feel justified in imposing for revenue purposes a higher duty than 15 per cent, and that, so far as the protective measures are concerned, it is only if their scope is limited, in the way that we propose, that we could agree to carry them so far. As I pointed out at the outset, we cannot disregard the interests of the consumer, and it is contrary to all sound principles to impose a protective duty, putting a heavy burden on the consumer, if the benefit to the producer must be small or negligible"

I say, Sir, whether right or wrong, this is the consideration which has led the Government to bring in the question of preferential duties It is for this House either to support or to rebut the argument that the Government of India are wrong in assuming that the amendment of Pandit Malaviya is not in the interests of the consumer. I would therefore like to hear the Leader of the Opposition before this House makes up its mind in regard to the question of preferential duties. I hope, Sir, my friends will not fight shy of the preferential duties. My friends, in their haste to denounce the Imperial Preference, have said that the Tata Steel Industry Bill was protection from the back door The present protection is from the front door, and if I repeat what Mr. Jayakar suggested that in future he did not know the kind of protection there will be, I may say it may be from the chimney. I hope, Sir, that the people will understand that the question of protection is to be debated on its own merits. The question of protection should come first, and my friend Mr Birla has pointed out that the protection, as put forward by Government, is not adequate, but I do not know whether, on that score, he will oppose the Bill. He is opposing the Bill on the question of Imperial Preference I may say at once, Sir, that I am not in favour of Imperial Preference I do not think, Sir, any Bombay man, either in this House or outside, is prepared to admit that he is in favour of Imperial Preference Therefore, Sir, I hope my friends will not misjudge the Bombay millowners or the Bombay representatives here who ask you nothing more and nothing less than protection to the textile industry.

Mr. K. C. Neogy: I dare say the Honourable Member has read the Note which has been circulated over the signature of the Honourable Sir George Rainy, and I will quote from it only two lines from the bottom of page 1 and two lines from the top of page 2. This is what he says:

"It seems impossible to argue that any protection in excess of the 15 per cent revenue duty is needed so far as imports from the United Kingdom are concerned, for if it were needed the millowners would certainly have asked for it."

May I take it that the millowners did not ask for the 15 per cent. revenue duty as against Lancashire?

Mr. H. P. Mody: I have already stated to the House, on more than one occasion, that when we appeared before the Government of India we asked for 20 per cent. and 3½ annas duty all round. I hope my friend will take it as final.

Mr. K. C. Neogy: Will my Honourable friend explain this statement in Sir George Rainy's note?

The Honourable Sir George Rainy: It was never present to my mind that that sentence could bear the meaning that the proposal mentioned by my Honourable friend Mr. Mody had not been made. It was indeed notorious to all the world that it had been made. What was in my mind, was that the competition from the United Kingdom had never been given as a reason for the grant of higher protection.

Mr. Fazal Ibrahim Rahimtulla: Two of the Members of this House have given an adequate and effective reply to my friend Mr Neogy, and therefore I need not go into that question My point is this, that as far as this House is concerned, it should not mix up the issues. Let us at once vote for the consideration, if we are satisfied that protection is necessary. I think the Leader of the Opposition has also said that he is for protection Then the next stage will come when the Leader of the Opposition will move his amendment as to what kind of preferential duties we should give, or whether there should be no question of preferential duties. At that stage, it would be our pleasure to hear the Leader of the Opposition making out a case why preferential duties are not in the interests of this country. My friend, Mr Chetty, I think, has done very well in his speech on the Budget to lay down the three conditions on which, even if preferential duties are granted, they can possibly be justified He said

"If it is possible to devise a scheme of tariff by which Indian industries will be able to get all the protection they want, by which the Indian consumer will not be affected and by which you will give some sort of preference to Empire goods, then, I certainly for one will not object to it"

I think, Sir, Members of this House are carried away by too much talk of Lancashire. I wish they should concentrate their attention more on the Indian industry and the conditions of the industry in India. They should talk less of Lancashire and more of Indian industries. If they were to concentrate their attention on that, the solution of this difficult problem will be very easy Several Members of this House have given an adequate reply to my friend Diwan Chaman Lall, except the third generation incompetency. My friend Sir Purshotamdas Thakurdas did give him some reply, but I may tell him that the greatest difficulty and the greatest hitch is the banking system in India The banks in India, and I think the Honourable the Finance Member will bear in mind this question, do not advance money unless the Managing Agents give their personal signature and their personal liability for it and if the Banking Inquiry Committee can see its way to remedy this evil, I hope the question about managing systems may then be a question debatable on a future occasion and not today.

Mr. Vidya Sagar Pandya: Is the Honourable Member quite sure that the Imperial Bank does not lend money without the signature of the Managing Agents?

Mr. Fazal Ibrahim Rahimtulla: That is my information.

Mr. Vidya Sagar Pandya: I am afraid you are not quite correct.

Mr. R. K. Shanmukham Chetty: I may tell my friend that the statement of Mr Rahimtulla is perfectly correct.

Mr. Vidya Sagar Pandya: I have also information that there are cases in which the advance has been made.

Mr. President: Never mind Both are right.

Mr. Fazal Ibrahim Rahimtulla: There may be an exception in the case of Mr Vidya Sagar Pandya, and I am glad that the Imperial Bank is treating him so very favourably One important point which my friend Mr. Ghuznavi advanced without perhaps understanding is the quotation of Mr Khaitan. He drew the attention particularly of Sir Purshotamdas to it, because he is his colleague and co-worker both in the Banking Inquiry Committee and in the Federation of the Chambers of Commerce My friend does not understand what finer counts are and what suitable machinery is necessary, what amount of cotton is necessary to be imported and whether the present condition will allow them to think of finer counts before they get adequate protection. I hope my friend Mr. Ghuznavi will realise seriously the present depression in the textile industry. The Government of India say that a moment's delay will be disastrous and therefore they have said that they are giving them protection for three years as an emergency measure, and are not asking you to commit yourself on the question of Imperial Preference The whole question will be placed before the Tariff Board, and the Government will then come forward with the proposals that may emanate from that body. My friend Diwan Chaman Lall was expressing great solicitude for the consumers My friend does not know that, whilst India is not in any way showing hostility towards Japan, their whole protest lies in the question of unfair competition, and my friend, who has read the Fiscal Commission's Report, will bear me out that dumping was resorted to in order to kill the steel industry. And then woe be to the consumers I hope that my friend, Diwan Chaman Lall will realise that Japan is not selling cheap in order to benefit Indians but ultimately to benefit Japan, and therefore the question has arisen regarding protection to the textile industry.

Diwan Chaman Lall: May I ask the Honourable Member if he is making this charge, that Japan is dumping goods into India?

Mr. Fazal Ibrahim Rahimtulla: I mentioned the steel industry

Diwan Chaman Lall: Is the Honourable Member aware that the Tariff Board has definitely denied it?

Mr. Fazal Ibrahim Rahimtulla: It is in the Fiscal Commission's Report. I will ask my friend to refer to it In paragraph 183 on page 63 of the Fiscal Commission's Report it is stated:

"We have discussed the possibility of protection being neutralised owing to the existence of unfair railway or shipping rates"

This is a kind of method I hope the Government of India will adopt towards Indian Industry I want to say this That the cotton mill industry in India has got to fight two opponents The one is the unsympathetic attitude of the labour, and the second is the Government

of India I hope, therefore, the Government of India will not take it as an offence if I say that they do not do the right thing at the right moment The Tariff Board's Report asked for protection in 1927, and it is now that they have come forward with this proposal Naturally, therefore, the suspicion has risen in this House whether it is really for the cotton textile industry in India or whether it is for the benefit of Lancashire that this proposal has been made I hope the Honourable the Commerce Member will make this point very clear when he gets up to speak and reply categorically to this House, that it is in the interests of India and that it is entirely due to the present depression prevailing in the country Had it not been for that, they would not have come forward here to penalise the consumer I hope, Sir, that the real debate, if it is to take place, will take place on the motion of my friend Pandit Madan Mohan Malaviya, and at that stage we will be able to understand whether it is not in the interests of the consumer that we ought to have a preferential duty

Sir Darcy Lindsay and Several Honourable Members: The question may be now put

Mr. Jehangir K. Munshi (Burma: Non-European) Sir, I have no connection with the cotton industry and I do not claim to have any special knowledge about it Although I am neither an industrial magnate nor an economic expert, I refuse to surrender my judgment either to my Honourable friends Sir Purshotamdas Thakurdas and Mr Mody on the one hand or to my Honourable friend Mr Birla on the other hand As a practical legislator, I consider it my duty to approach the question before the House without racial prejudice and without any economic bias

Sir, the starting point of the controversy over the principle of Imperial Preference was the Honourable the Finance Member's budget speech As I have associated myself with a certain amendment under unfair conditions forced on this House by the Government of India, I wish to make my position quite clear on the question of Imperial Preference I propose, Sir, with your permission, to deal with certain salient passages from the speeches of the Honourable the Finance Member and the Honourable the Commerce Member and to examine the attitude of the Government of India towards the question of Imperial Preference on the one hand and the question of Fiscal Autonomy on the other hand The Honourable the Finance Member, in paragraph 48 of his budget speech, made the following statement

"Let me make it clear at the outset that the fiscal autonomy convention is a reality and that decisions on matters of this kind are left to the Government of India and it is on this basis that our deliberations have proceeded throughout"

Now, Sir, I would ordinarily accept a statement when it is made in all earnestness by a Member of the Government on the floor of this House The position of the Government is that Fiscal Autonomy is a reality and that fiscal decisions are really left to the Government of India We have obtained certain information from the Government Benches which shows that, before His Majesty's Government addressed the Government of India, the proposals of the Government of India were to raise the revenue duty from 11 per cent to 15 per cent, and to impose a protective duty of 8½ annas per pound on plain grey goods. The Government of India have admitted that it was only after the communication was received from His Majesty's Government that they changed their ground. Now,

[Mr. Jehangir K. Munshi]

Sir, is Fiscal Autonomy a reality so far as this House is concerned? Neither Sir George Schuster, nor Sir George Rainy has gone to the length of suggesting that any kind of Fiscal Autonomy vests in this House; the only claim made is that it rests with the Government of India. Then, Sir, the Finance Member goes on to say in paragraph 50 of his budget speech:

"We explained to His Majesty's Government that in placing this proposal before the Assembly we should point out that so far as we are aware this is the first occasion on which the considered opinion of the Cabinet has been conveyed in this form to the Government of India and that we were impressed by the significance of the precedent so established"

In paragraph 51 he goes on to say.

"Finally, we made it clear that in a matter of this kind, after frankly starting our conclusions, we should desire to put our carefully considered views before the Legislative Assembly with whom the final decision must rest"

Now, Sir, I do not know if my Honourable friend Sir George Schuster meant these words when he uttered them in this House in the course of his budget speech I take it that he did I go further and take it that Sir George Schuster means these words now and adheres to them. I will repeat them:

"To put our carefully considered views before the Legislative Assembly with whom the final decision must rest"

But, Sir, the Honourable the Commerce Member takes up an entirely different attitude, and this divergence of attitude has created doubts and apprehensions in the minds of the Opposition.

Mr. President: If the Honourable Member is not prepared to conclude his remarks within 10 minutes, I propose to adjourn the House

Mr. Jehangir K. Munshi: No, Sir, I cannot conclude in 10 minutes

The Assembly then adjourned till Eleven of the Clock on Thursday, the 27th March, 1930

LEGISLATIVE ASSEMBLY DEBATES

THURSDAY, 27th MARCH, 1930

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LEGISLATIVE ASSEMBLY.

Thursday, 27th March, 1930.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr President in the Chair.

MEMBER SWORN:

Sir C P Ramaswami Ayyar, M L A (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural).

THE COTTON TEXTILE INDUSTRY (PROTECTION) BILL.

Mr. President: The House will now resume further consideration of the motion moved by the Honourable Sir George Rainy on the 18th March, 1930, that the Bill further to amend the Indian Tariff Act, 1894, and to amend the Indian Tariff (Cotton Yarn Amendment) Act, 1927, be taken into consideration

Mr. Jehangir K. Munshi (Burma Non-European): Sir, yesterday when the House adjourned, I was referring to the inconsistency in the position taken up by the Honourable the Finance Member in his Budget speech and the position adopted by the Honourable the Commerce Member in the speech which he delivered in this House on the 13th of March when moving the consideration of this Bill I shall again draw the attention of the House to the statement made by the Honourable the Finance Member in paragraph 51 of his Budget speech:

"Finally we made it clear that, in a matter of this kind, after frankly stating our conclusions, we should desire to put our carefully considered views before the Legislative Assembly with whom the final decision must rest"

My Honourable friend Sir George Rainy took up an entirely different attitude On the 18th of March he said.

"I should be misleading the House if I conveyed the impression that Government have an open mind, or that they are prepared to discuss these various amendments on the footing that all of them are equally open for consideration I have no desire whatever to mislead the House on that point, and indeed it would be entirely wrong if I did so Drastic changes in the scheme embodied in the Bill, it would, I fear, be impossible for the Government to accept"

While Sir George Schuster said that the final decision must rest with the Assembly, Sir George Rainy said quite the reverse. I do not know, Sir, which of these two contradictory positions is now the position of the Government of India; and I take it that, either the Honourable the Finance Member, or the Honourable the Commerce Member, will remove the confusion in this House and definitely state which position the Government of India abandon, and which position they adhere to now.

[Mr. Jehangir K Munshi.]

Sir, the Honourable the Finance Member claims that fiscal autonomy is a reality That proposition would hold good if the Government of India were prepared to accept the position that in all fiscal matters and on all tariff questions they would abide by the verdict of this House, and that when the verdict of the House is taken, the block of 26 nominated official votes would remain neutral Even if their position were that, allowing the official block of 26 votes to affect the verdict one way or the other, they would abide by the verdict of this House, we might to a certain extent understand their claim that fiscal autonomy is a reality in this country But what is the position which Sir George Rainy has taken up? That the Government of India and the Government of India alone are the sole judges of tariff measures to be introduced and tariff policy to be followed, and that they will not, under any circumstances, accept the verdict of this House or respect the sentiments of this House The words used by Sir George Rainy are emphatic and unequivocal—"impossible to accept any changes" in the proposals put forward by the Government of India. Now, Sir, if the Government of India and the Government of India alone, are, even in antagonism to this House, to be the sole judges of what should be the fiscal policy or the tariff proposals for this country, then it is impossible for this House to lose sight of the fact that His Majesty's Government can influence the Government of India, and in certain circumstances is bound to influence the Government of India, when for instance the interests of Lancashire or any other predominant British interests clash with the interests of India His Majesty's Government, although actuated by the best of motives towards India, may, by force of circumstances of domestic politics, find themselves in a position when they must bow to forces in their own country It is impossible for Sir George Rainy to stand up here and tell us that the Government of India are at present free to impose their will on His Majesty's Government regardless of the difficulties of the domestic problems of unemployment facing His Majesty's Government or the embarrassment which would necessarily be caused to His Majesty's Government as a result of the Government of India adopting certain fiscal proposals It is no use, Sir, trying either to deceive this country or to cloud the real issue before this House India does not enjoy fiscal autonomy in any shape or form (Hear, hear)

Sir, the Government of India have, in my opinion, been actuated by a degree of undue chivalry in the course of this debate Both Sir George Rainy and Sir George Schuster have got up more than once and have asserted, with an unusual degree of heat, that the proposals which they have put before this House have not been induced by any representations from Lancashire, and have not been imposed by His Majesty's Government They have gone further, they have taken upon themselves whatever blame and odium may attach to their present scheme It is not for me, Sir, to help the Government of India to relieve themselves of a particular odium if they insist on having it; but knowing Sir George Rainy as we do, and judging him from his past record, I find it difficult, Sir, to accept the whole of this self-condemnatory statement *in toto*, that the Government of India and the Government of India alone have decided to place this scheme before the House as their own considered judgment in the best interests of India

Sir, before I proceed to criticise Sir George Rainy's attitude with regard to this particular measure, I wish to pay him the tribute that he deserves.

The attitude which Sir George Rainy took up with regard to taxation on kerosene has produced a deep impression on my mind Here, Sir, we have a British Member of the Government of India—a Scotchman—who deliberately put forward proposals of taxation which are bound to affect the profits of the Burmah Oil Company He did so to obtain revenue for the Government of India He did so, knowing that about half a crore of rupees which he would get in this way from the Burmah Oil Company would in other directions relieve the taxpayer Such conduct deserves great admiration and I say this in spite of the fact that, mainly on grounds of sentiment, I voted against his proposal to tax the Burmah Oil Company. But at the same time it makes it very difficult for me to believe that the very same man could, if he were an entirely free agent, come forward and force on this House a scheme of Imperial Preference in the form that he has put before this House, which, he has more or less admitted, has been conceived to help Lancashire at the cost of the consumer in this country

Sir George Rainy has made it clear, in the course of his speech, that if this Bill is passed in the form in which the Government of India have placed it before the House, or subject to the amendment moved by Mr. Chetty, the House will be endorsing the principle of Imperial Preference. Sir George Rainy says

"I should like to make it clear that we do not ask the House at this stage to pass a final decision on the question whether in the scheme of protection there should be preference for British goods"

In other words, at a subsequent stage of the Bill when the House adopts the final motion, it will, in Sir George Rainy's own words, "pass a final decision on the question whether in the scheme of protection there should be preference for British goods" We shall be called upon, when voting on this Bill, definitely to pronounce our decision whether this House does or does not accept preference for British goods—Sir George Rainy carefully avoids the words "Imperial Preference"

Sir, Imperial Preference may be defined in a number of ways Imperial Preference may be argued to mean many things But the atmosphere for Imperial Preference cannot be manufactured either by the Government of India or by any Tariff Board (Hear, hear) Have we in this country the atmosphere necessary to induce this House to agree readily to any scheme of Imperial Preference? The basic point of Imperial Preference in any part of the Empire is, to my mind, not wholly economic; it is primarily a matter of sentiment There must be sentiment, there must be regard, there must be friendship, before any part of the Empire approaches the economic question of affording any degree of protection, or preference or relief to any other part of the Empire The Government of India are sadly mistaken if they imagine that the present moment is an opportune moment for such a sentiment to express itself in this country . . . .

Mr. President: The Honourable Member himself has an amendment involving Imperial Preference.

Mr. Jehangir K. Munshi: I am coming to that, Sir, and that is where the strongest protest of this House has to be recorded.

Now, Sir, the Government of India have got a very serious responsibility in this matter They may, by force of circumstances, carry this

[Mr. Jehangir K. Munshi.]

House enjoys a greater measure of fiscal power, when this House really enjoys fiscal autonomy, will the bitterness that is caused by Government's present attitude help England? Will it help Lancashire? Will it help any other part of the Empire? If the Government of India want to create a proper atmosphere and to induce a proper sentiment for Imperial Preference, the present policy of political repression should be abandoned; and I feel that my Honourable friend, Sir James Crerar, can do more in this direction than either Sir George Rainy or Sir George Schuster. In this connection a very serious responsibility also rests on the European Group in this House. I ask them, have they contributed their share towards creating the necessary atmosphere in this country? Have they done anything to foster a proper sentiment in this House for Imperial Preference? I shall give one recent instance to illustrate my point The other day I was questioning the Home Member with regard to certain incidents which took place in Rangoon The European Group were not directly concerned with it If the European Group imagine that they are more efficient than Sir James Crerar they are mistaken Sir James Crerar was fully able to deal with the questions raised in this House But what did the European Group do? An old experienced member of this Group, Sir Hugh Cocke, ranged himself against me and rushed to the help of Government. Sir Hugh Cocke forgot at the moment that I was the solitary representative of Burma in this House, that I was labouring under a serious handicap by reason of difficulties in the matter of communication with Burma, and that, in spite of these difficulties and handicaps, I was trying to do my duty to my Province He got up and tried to bring my action into discredit. Now, Sir, this may be a small thing, but it reflects the mentality of the European Benches Have they extended to us friendship, have they extended to us sympathy, in matters political either in this House or outside, that they should expect this House to extend its economic sympathy either to the European community in this country or to Lancashire? In these things there must be first of all a reciprocity of sentiment (Hear, hear)

Mr. Arthur Moore (Bengal: European) Sir, the European Group has never asked for any economic concessions in this country on any sentimental grounds We have only asked to be treated on a level with the other communities in India.

Mr. Jehangir K. Munshi: My Honourable friend, Mr Arthur Moore, has a painfully short memory; and in this connection I wish to refer to the part I played the other day on grounds of sentiment; and I therefore felt more hurt that Sir Hugh Cocke should have, only two days after that, got up and adopted such an unnecessarily unsympathetic attitude towards me and my Province The other day Sir George Rainy asked this House to subject the Burmah Oil Company to a taxation which would contribute about half a crore of rupees Mainly on grounds of sentiment, I walked into the same lobby with my European friends,—on grounds of sentiment for the Burmah Oil Company, which I consider as a good employer of labour in Burma, on grounds of sentiment for my European friends in this House, on grounds of sentiment for the European community in this country I do not want them to feel that Indians are bound to act against European interests in such matters. And what did my Honourable friend, Mr Arthur Moore, plead at that moment? He said that, because

these particular European oil interests had enjoyed this immunity from taxation for 25 years, they should be allowed to continue to enjoy that immunity for another 25 years.

Mr. Arthur Moore: Sir, on a point of personal explanation, I said nothing of the kind.

Mr. Jehangir K. Munshi: I am not trying to reproduce Mr Moore's exact words I am trying to reproduce Mr. Moore's argument.

Mr. Arthur Moore: That was not my argument.

Mr. Jehangir K. Munshi: It was Mr Moore's argument and Sir George Rainy replied to it.

Mr. Arthur Moore: May I say, Sir, that it was not my argument? My argument was that, for 25 years, the consumer in this country had a concession, and I thought that the risk should not be taken of withdrawing that concession from the consumer in this country I said nothing about European interests and my speech had nothing to do with that.

Mr. Jehangir K. Munshi: Does Mr. Moore seriously suggest that the consumer's interest for 25 years was not the Burmah Oil Company's interest for 25 years? (Hear, hear)

Mr. Arthur Moore: I was not discussing the interest of the Burmah Oil Company or of any particular oil company

Mr. Jehangir K. Munshi: But the Honourable Member was holding a brief for them

Mr. Arthur Moore: I was holding no brief. I was speaking in the interest of the consumer

Mr. Jehangir K. Munshi: My Honourable friend Mr Moore is now seriously suggesting that the Opposition Benches are filled with a pack of lunatics, who neglect the interests of the Indian consumer and that it falls to the lot of Mr Arthur Moore to stand up in this House and protest in the name of the Indian consumer that all these traitors are opposed to the interests of the Indian consumer

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): Does not my Honourable friend know that Mr Arthur Moore is connected with a paper which at one time used to call itself the "Friend of India"? (Laughter)

Mr. Jehangir K. Munshi: Sir, I regret the unnecessary heat introduced into this debate by my Honourable friend Mr Moore at the very moment when I am appealing to him and his colleagues to create a friendly atmosphere in this House. I am actually pleading that it is up to the European Benches to create a friendly atmosphere in this House and to foster the proper friendly sentiment for Imperial preference, and when I am making these efforts, Mr. Moore says he will not have it.

Mr. Arthur Moore: Sir, may I inform my Honourable friend that I said nothing of the kind whatever? But I do think that it is a little out of proportion to suggest that, because Sir Hugh Cocke took a small part in the discussion of a motion for adjournment the other day (*Mr. Jehangir K. Munshi:* "And an uncalled for part") the European Group is acting

[Mr. Arthur Moore.]

in some manner unfriendly to the interests of India I think it would be much more to the point if my Honourable friend were to point out in what way the European Group, either by its votes or its speeches in the past, has shown itself other than identified with the best interests of the country? (*Honourable Members*: "Question.")

Mr. Jehangir K. Munshi: This question I can answer very briefly and effectively I will refer my Honourable friend Mr Moore to the division lists to find out how often his party voted with the Opposition against the Government The task will not be a difficult one; and he will hardly find half a dozen such lists during the last ten years That, Sir, is Mr. Arthur Moore's performance "in the best interests of this country"

Now, Sir, I regret that, when I am trying to appeal to the European Benches to create an atmosphere of friendliness, Mr. Arthur Moore should allow himself to introduce unnecessary heat into the debate

Mr. Arthur Moore: Not at all

Mr. Jehangir K. Munshi: I was trying to illustrate, Sir, by an example, that I am actuated by pro-British sentiments, and that I want to help the European non-official commercial community in this country I want to show proper sentiment towards them, but I can only continue to do so, if there is some sort of reciprocity on their part. Things of this kind cannot be continuously one-sided

Mr. Arthur Moore: Does it not occur to the Honourable Member that he and I went into the same lobby because we were both interested in the welfare of the industry of his province?

Mr. Jehangir K. Munshi: If my Honourable friend Mr Arthur Moore imagines that the interests of the province of Burma have been affected by the proposals of Sir George Rainy, he is sadly mistaken, and it appears that he has not applied his mind to the problem at all Now, I shall leave Mr Arthur Moore alone.

Sir, the unconvincing argument has been put forward by the Honourable the Commerce Member and the Honourable the Finance Member that, in the best interests of India, preference should be given to British goods in the form laid down by the Government of India with a view to create a friendly atmosphere in England for the Round Table Conference I wish I could quote the exact words of Sir George Schuster; but I cannot find the passage I have in mind. However, the gist of his argument is this, that the Government of India have been actuated to frame these proposals in their present form by the desire to placate public opinion in England and to promote India's political interests Now, Sir, Sir George Rainy has spent about 30 years in this country, and although Sir George Schuster has been here for a short time, still he is not entirely unacquainted with the Indian political situation. Did either of these two Honourable Members imagine for a moment that a measure of this type, introduced at the present moment, would not meet with vehement and bitter opposition? Have they in any way helped India's position by introducing this measure at this stage? The bitter opposition which has been roused and which they must have anticipated, has, I think, estranged the relations between England and India The argument that the object was to win England's friendship cannot be advanced by Sir

George Rainy, who must have realised that this measure was bound to raise bitter controversy on the floor of this House But even if this House were to agree readily and voluntarily to these proposals, will a better atmosphere be immediately created in England? Better atmosphere amongst whom? Is it going to change Lord Birkenhead? Is it going to convert Mr Winston Churchill? What possible change in the political situation in England do the Government of India seriously expect as a result of this House passing the proposals in their present form? I do submit, Sir, that the Government of India have not been frank in dealing with this House in respect of this measure One cannot help feeling that the present measure has been forced on them by representations from England Whether the representations were official representations from His Majesty's Government which have been revealed, or whether they were confidential representations from the Secretary of State for India which have not been disclosed or whether they were representations from or on behalf of the Lancashire interests, it is for the Government of India to answer But it is impossible for this House to agree that the Government of India themselves have deliberately gone out of their way, without any initiative from England, to place these proposals before this House in their present form

I come now, Sir, to my amendment which you have referred to. I have given notice of that amendment, the same as Mr Chetty's amendment, because the Government of India have left me no free choice The Government of India have given me a damnable choice The Government of India tell us "Accept the measure in this particular form and we shall proceed with the Bill, if you make any alterations we shall drop the Bill" The Government of India force me either to kill the Indian mill industry and ultimately to harm the consumer, or to accept their proposals in favour of Imperial Preference in this particular form without my consent and against my will This, Sir, is a very difficult position

Mr. President: The Honourable Member is not going to give a free vote in this House?

Mr. Jehangir K. Munshi: The Government of India have not allowed me a free vote That is my complaint, Sir They have placed me in this damnable position They say "Either vote for killing the mill industry of India and for harming the consumer in the long run or vote for the proposals which we have put forward regardless of your preference or your wishes" If I vote for killing the mill industry of India, I feel that I would be doing a wrong not only to a great national industry but to the consumer in the long run I cannot do that If, on the other hand, I vote for the Government proposals, I am forced to do violence to my conscience, because I am forced to vote for Imperial Preference without being allowed any "preference" at all. I have no objection to the principle of Imperial Preference if the Government of India set about it in the right way, at the right moment and after free consultation with the Opposition. No Government have the right to come forward in this House and say, "Here are our proposals for Imperial preference; we have not consulted you, we do not care whether you like them or not; we are going to force them down your throats". If that is the way in which they are going to introduce Imperial Preference, I am entirely against it Imperial Preference by itself is not pernicious, as some of my Honourable friends in this House imagine; it is a matter of friendly sentiment and economic adjustment. Why should we not sit round a table and discuss, in a friendly spirit, to what extent we can

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help Lancashire in its present difficulties / But the Government of India have not give me a choice. They simply say, "You either kill the industry or accept this principle in the way in which we dictate it to you". Now, Sir, under the circumstances, I have decided that I cannot afford to kill the mill industry If I do that, I will not only destroy a national industry, but I shall also allow Japan to capture the Indian market and to put up prices and thereby to harm the consumer I have no objection to Japan getting an advantage, after all Japan is a friendly nation and I have great admiration for the Japanese. But what happens, Sir, to the consumer if the prices are put up eighteen months hence or two years hence? So, Sir, here I am faced with a grim reality As against that I have my outraged political sentiment and I have decided that I cannot possibly ignore the economic life of the country I am in agreement with my Honourable friend, Mr Jinnah, that we cannot possibly ignore the interests of the consumer, simply because the Government of India are forcing on us this principle of Imperial Preference

Now, Sir, before I leave this point, I wish to deprecate the statement made by an Honourable Member of this House, that he regarded Englishmen in this country as much foreigners as the Japanese I think, Sir, he was led to make this remark in the heat introduced by unnecessary interruptions My own views and sentiments do not permit me to regard the Englishman in this country as a foreigner in the same manner as I regard the Japanese. But apart from that, it would be inconsistent with our political creed to regard the Englishman as a foreigner in this country I mean the Britisher It will be foreign to our political creed to regard the Britisher as a foreigner in this country Either we accept the creed of Mahatma Gandhi and say that we want independence, and that we want to break away from the British Empire; or if we stand for Dominion Status, it only means one thing, that we choose to remain within the Empire, and if we choose to remain within the Empire, how can we treat Englishmen or any of the Empire races as foreigners?

Diwan Chaman Lall (West Punjab. Non-Muhammadan): Do they not treat Indians as foreigners?

Mr. Jehangir K. Munshi: My friend Diwan Chaman Lall is asking me whether they are not treating us as foreigners So far as England is concerned, I do not think we can go to the extent of saying that England treats us as foreigners, as aliens, in the United Kingdom. With regard to the Colonies, the position is different: But I cannot possibly go into that controversy in this debate But even if we assume that England treats us unfairly, if we decide to remain within the Empire, we can strive for better treatment, but we cannot say that the Englishman is a foreigner in this country.

Now, Sir, I turn to the Honourable Members of the Nationalist Party, and I do hope that the criticism which I propose to make now will be taken in the same spirit in which it is made My Honourable friend, Mr Birla, advised the millowners to insist on unalloyed protection and to reject this alloyed protection. My Honourable friend, Mr. Neogy, told the millowners that even if they are dying of thirst it would not help them to drink out of [illegible] germs Sir, I wish to place before [illegible] economic position taken up by the [illegible] only of my

Nationalist friends, but of the entire Opposition in this House. Now, what is the position of the millowners in this country at the present moment? They say that they are faced with extinction, that they must accept whatever the Government give them, in however unpalatable a form Government may offer it They say that their very existence is at stake, and that they cannot afford to indulge in sentiments, political or otherwise Their position is that, although they are not satisfied with what they are getting, or the form in which they are getting it, they cannot afford to reject what is offered, even in the form in which it is offered, and if they do not get protection in an unalloyed form, they must now take what they get and continue to fight for the rest Now, let us take the political position of the Nationalist Party; that is my position also (Hear, hear) My Honourable friends of the Nationalist Party, of the ex-Congress Party were told at the end of last year, and at the beginning of this year, that their demand for full and immediate Dominion Status could not be granted His Excellency Lord Irwin said this before the Congress met His Excellency the Viceroy repeated it when he addressed this House after the Congress met Pandit Motilal Nehru followed the policy which Mr Birla and Mr Neogy are offering to the millowners He said, "No, we shall not have alloyed Dominion Status, we shall have unalloyed complete Dominion Status immediately, or we shall not have anything to do with it" But my friends of the Nationalist Party have not taken up that attitude They, in my opinion, have taken up the right attitude They say, "This Dominion Status, which you are now offering to us in some form or other, is not unalloyed, we would not like to accept it in this form, but we are helpless, we have got to take what you give and fight for more" I submit, Sir, if that is the position of the Nationalist Party in the political arena, the millowners of India adopt the same position in the economic field (Hear, hear) And here I wish to make one thing clear If political ground is lost by unwise judgment or an unwise action, it can be recovered in course of time, but if a serious economic blunder is made and an industry is allowed to be killed, it would take years and years before it can be revived I therefore, Sir, do appeal to my Honourable friends of the Nationalist Party to consider very carefully whether, in this damnable position which the Government of India have placed this House, they would be justified in doing anything whereby the Indian mill industry would be killed I think, Sir, I have made my position clear. I have given notice of my amendment—the only amendment acceptable to the Government of India—purely with a view to save a national industry and to save the consumer in the long run, after recording my strongest protest against the policy and action of the Government of India

Now, Sir, I do not wish to deal with the merits of the case at any length, because I think practically the whole House has recognised the fact that the Indian mill industry requires protection and immediate protection. As a matter of fact, several Honourable Members have gone to the length of saying that the protection offered is not adequate and that it should have been greater. As regards my Honourable friend Diwan Chaman Lall, I think my Honourable friends from Bombay have taken him too seriously. My Honourable friend Diwan Chaman Lall is a labour leader; and in the present condition of Indian labour the millowners of India cannot expect any spontaneous support from a labour leader.

Mr. President: The Honourable Member is not bound to continue?

Mr. Jehangir K. Munshi: Sir, the considerations which have influenced my decision apply to my province as well. If I allow the Indian mill industry to be killed, the present imports of cheap Indian mill cloth coming to Burma would disappear, and Japan would establish a monopoly in Burma, and piece-goods would no longer be available to the consumer in Burma at low rates If the Indian mill industry is killed, Japan would be left without any competitions and the price of piece-goods would be raised and the consumer in Burma will be very seriously harmed

In conclusion, Sir, I wish to make one final appeal to the Government of India In our present helpless condition, they may force a victory for themselves; but by doing so, they are not going to make their future task easier; they are not going to help the non-official European in this country, they are certainly not going to help Lancashire in the future. The bitterness which will prevail in the minds of the Opposition in this House, the bitterness which will remain in the minds of the people outside, that bitterness it will take a long time to remove from the minds of the people, and I do appeal to my Honourable friend, Sir George Rainy, even now, to make one more effort to approach the Opposition and to arrive at some form of preference to which this House can give its unfettered and willing assent As I say, Sir, Imperial Preference as such is not pernicious by itself, if we are allowed to act as free agents The whole objection is that Sir George Rainy comes before this House and says, "We have made up our minds to force this preference down your throats, we are not going to listen to you" Even now it is not too late. Let him not think that, if the Bill is modified, the interests of Lancashire will be jeopardised. Let him take a long and wise view of the matter. Lancashire will gain more in the long run if she takes less now from a willing India rather than forces more from an unwilling and outraged India. (Applause.)

Pandit Krishna Kant Malaviya (Cities of the United Provinces Non-Muhammadan Rural) Sir, I have remained in this House for a long time without addressing it once, and I had no mind to inflict a speech on the House even today. To speak the truth, Sir, I set little value to speeches I on the other hand feel that speeches in this House contribute to mere waste of public money and time, especially when we know that they have practically no effect on the Government Benches in matters of real vital importance.

There is also another difficulty in my way, and that is, I feel the Members, especially the officials, do not come to the House with an open mind Members belong to certain groups which look at a question from the point of view of their interests and policy, which they have decided long before Speeches, naturally, delivered in this House, then cannot and do not have any real effect on the others. But knowing all this, I have decided to break my record of silence in this House, because I feel that I must say something at this very critical juncture in the life of the Assembly when it is not impossible that we might be at the parting of the ways.

We are, Sir, face to face with a very serious situation. On the one hand the Bombay mill industry is on its last legs; it is tottering, on account

of the faults of its own masters or otherwise, but this is not of much concern, what really matters is that it is in need of protection from the people of the country and also from the Government, and the Government are saying to us, Sir, that they are willing to lend the Indian industry a helping hand provided we lend our helping hand to the cotton industries of Lancashire On the other hand, Sir, the country is in the throes of a revolution Mahatmaji is leading his battalion and is determined to give a battle, the objective of which is complete independence Our own policy, as you know, Sir, since 1905-06, has been one of boycott of all foreign cloth I mean no threat As a matter of fact, Sir, I do not believe in threats or blusters and bluffs, but I do earnestly want the Honourable Members on the Treasury Benches to think coolly and take count of the realities

It is true that there is no tom-tomming, no unbridled, uncontrolled enthusiasm, which we saw in the days of non-co-operation, but this does not mean that the fight will not be a very very grim one. The cool and calculated manner in which things are going on only proves that there is a deep determination behind, and that we will have to face something really grave. The whole country is pulsating with a new life, and the awakening in the villages through which Mahatmaji has passed, without any organization Sir, is phenomenal The whole country from the Himalayas to Cape Comorin and from Karachi to Bengal is only awaiting the signal of Mahatmaji As soon as it is received, some of us also, if not most of us, will be in the field He did not seek this battle It has been forced upon him He is not an ordinary man, he is a saint, with a message of peace and goodwill, and is always willing to accept compromises when they do not kill the truth itself, and he even lowered his flag in terms of his eleven points He begged His Excellency the Viceroy on bended knees to pay heed to his demands, but what did he get? In his own words, Sir, he wanted bread and got stones instead. He has, therefore, decided finally to do away with the system which is grinding us, which stunts our growth, but which we are only trying to trim here and there and even that without success

Mahatmaji has felt and truly, Sir, that:

"Jaláne ke siwa kis kam awega batao to
Na saya de, na phal lawe, na phule jo shajar ho ker"

"Of what earthly use, but for using as fuel, is the tree which neither blossoms, nor fruits, nor gives shade to the weary and the toiling"

The whole edifice, Sir, on which we all are standing is on the brink of a volcano which is about to burst and give a rude shaking to all of us. I am, therefore, anxious, Sir, that we should very coolly consider what we are going to do.

I am neither an industrialist, nor a financier, nor even a labour leader. My views, therefore, can only be of a layman or a consumer. What is the question before us? To put it into a nutshell, it will not be improper to narrate its little history in a few words The Indian mill industry has been in trouble for the past many years. The mill owners had been running to the Government to come to their rescue. The Government, as was natural, did not come forward. Matters were going from bad to worse, but the Government was adamant The Government,

[Pandit Krishna Kant Malaviya.]

all of a sudden, has this year been faced with a deficit Budget. Fortunately for the mill industry of Bombay, the mill industry of Lancashire also is badly in need of relief The Government therefore decided to come out with this Bill, ostensibly to help the millowners of Bombay, but really to support the Lancashire industries. They have raised the duty for the Indian cotton goods from 11 per cent. to 15 per cent, which means a bounty of 4 per cent to the Indian mills, whereas they are providing a protection of 5 per cent duty to the British goods This not only means, Sir, giving with the right hand and snatching away with the left, but this also means that, so far as higher counts are concerned Great Britain will have the practical monopoly in India for her goods She will not have to face competition from either Japan, Germany, America or Italy This means, Sir, that she will have the fullest liberty to fix her own prices on her goods and the burden will thus fall heavily on the consumers But these are not the only evil results of this Bill The result which will be far more ruinous will be that the Indian mill industry will be handicapped, and it will find, in the course of a few years, that it will never be able to go in for higher counts, these mills will never be able to produce finer counts at competitive prices, their growth will be stunted and India will thus be for ever dependent on Lancashire and also pay heavily for the supply of her fineries

My Honourable friend, Mr. Birla, said the other day that the protection provided for our industries is inadequate and may prove harmful. Another esteemed friend of mine, Mr Neogy, proved, if any proof were necessary, that, by the receipt of this five per cent, the British manufacturers will not only profit, but make good their past losses This is not all We must also, at the same time, keep in mind that, in the case of the Indian mill industry, protection of four per cent will only give them a breathing time to put their house in order, whereas in the case of Lancashire, the Imperial Preference will mean a big windfall

There are some Honourable Members, Sir, in the House who are afraid of calling a spade a spade, and they prefer to call Imperial Preference by the name of British preference or preference for British goods. I have no quarrel with either of these sets of Honourable gentlemen To me, a layman, Sir, a rose will smell as sweet by whatever name we may choose to call it, although, in the present case, it is not a rose but a prickly briar which emits a bad odour all around

The simple truth that we must realise, Sir, is that, if we refuse the demand of the Government so far as the British goods are concerned, the Bill goes to the wall and all the tall talk of helping the Bombay millowners will be forgotten This is a simple fact, and nobody need be afraid of this There is nothing surprising in it too We know that no nation, howsoever great it may be, can afford to act generously towards another, unless it at the same time serves its own selfish ends. In the words of Bismarck, in dealing with foreign nations, no one acts unselfishly unless it is his interest to do so. I, for one, therefore, do not see why the Honourable Members on the Treasury Benches and their supporters should be afraid of speaking the truth. I cannot and will not blame them for being patriotic. They, as the constitution stands, are responsible to the British public; they are not responsible to us, they should naturally

therefore look to the interests of the people to whom they are responsible and to whom they belong.

It is no doubt proper that one who pays the piper must call the tune, but how many improper things are not done today in the name of propriety? Besides, situated as we are, Sir, we do not pay them. The money is no doubt ours, but they hold the strings of the purse and are the virtual masters. I therefore have no complaint against them. They are amiable, honourable gentlemen, as good as we are and in certain respects, even superior to many of us. They are doing their duty by their country and I have no complaint against them This country has not lost or has lost very little on account of them This motherland of ours has lost on account of her own sons, who, from the time of the advent of the British, have sold the interests of the country, sacrificed her mercilessly, for a mess of pottage or their own sordid gains It is they who are the sinners It is they who trample the country and it is they who are today the chains which bind us to our slavery. I wish they were as patriotic as their masters. I pity them, but I bear them no ill-will, no hatred I only say, Lord forgive them, for they understand and still do not realise what they are doing As for the Honourable Members on the Government side, they have been charged with the duty of carrying on the machinery of administration It does not concern them what it grinds, whom it grinds, when it is set in motion. They carry it on simply for the Reasons of State Their only concern is that the engine and the machinery do not fail, are well oiled, safe and in tip top condition, that it should yield to them the utmost and should not suffer in any way

They at times try to see that the machine does not unnecessarily hurt others, when they can avoid it, when it suits their purpose and when they can achieve it without hurting themselves or their machinery I therefore bear them no ill-will or grudge I know human nature, and can understand them, but I do beg of them, Sir, in all humility not to try to convince us that two and two do not make four, that darkness is sunshine and that they can see our interests better than we can ourselves do

This is belittling our intelligence and is most galling and painful. I also beseech them, Sir, in the name of all that is good in this world, not to add to the discontent of the people who are already discontented enough.

My third request to my Honourable friends on the Treasury Benches, through you, Sir, is that, instead of trying to convince us, they should try to convince their own conscience that they ought only to come forward with their demands when they have satisfied their conscience, that they are not, by their narrow vision, circumscribed by selfish ends, hurting others whom they have no right to injure and whom they are morally bound to serve. All of us, Sir, are creatures of circumstances We are sitting on this side of the House today, and who knows tomorrow or in the fulness of time we shall not be in their places and they in ours. India had a past; she has a future too and it will not be paying to train her in ways which might recoil on the teachers tomorrow.

12 Noon.

[Pandit Krishna Kant Malaviya]

Do unto others as you would wish to be done by, is a maxim which will always pay everyone who acts up to it, in gold I would also say to the Honourable Members, "Whatever you do, do it with all your heart and as from the Lord" And if I have not already asked too much of my Honourable friends, I will ask them to remember that nations generally pay heavier prices for their sins of commission than for their sins of omission. But this is a digression and I must come to the point.

Leaving aside, Sir, all these material considerations, the Bill does something more India, today, is growing, it is throbbing with ambitions She is anxious to build a future for her as bright as her past She naturally, at this stage, wishes to move very carefully She does not wish and is not in a position to forego the sympathies of any nation She therefore does not want to antagonise either Japan or Germany, either America or Italy Great Britain might well say, "I am here to protect and guide you I will see that no other nation shall injure you" Great Britain may say all this and perhaps more She has her own axes to grind at our expense, but I want to tell my Honourable friends, and through them Great Britain, Sir, that we are at the parting of the ways We want to guide our destinies ourselves, we want to regulate our national life according to our own requirements and needs, and we do not want to discriminate between foreign nations, for we know not whose aid we might need We do not want to be with those who do not treat us on terms of equality We do not want to be in an Empire in which we cannot remain on an equal footing with others We do not wish to be in the British Commonwealth of Nations if we can be there only as men of an inferior status and not as equal and free partners Who can tell that it may not yet be India's glory to embark on a mission of peace and higher humanity to teach Europe and America that materialism is not the food on which humanity can permanently thrive We hope we shall be able to give birth to and organise an Asiatic Federation in which Japan, China, Afghanistan, Persia, Egypt and Turkey may be our partners We may be idealists, hopeless dreamers, but we are realistic enough to realise that it is not proper to antagonise any nation at this stage of our history We therefore ask the Honourable Members to stay their hands No offence is meant, this is a plain statement of facts and there need be no heart burning on this account To my Honourable friends on this side of the House, who are real patriots, who really want to serve their motherland who are anxious to see their motherland free and are willing to sacrifice all that is best in them in the service of their country, whose aims in life and responsibility do not begin and end with getting a few petty posts for their kith and kin I would only repeat a few lines of a great saint, who lived and died in this very city of Delhi, and who defied and staggered even such a mighty potentate as Aurangzeb He was no other than Sarmad and he said:

Sarmad gilah bah ikhtisar mi bayad kard,
Yak kar asin do kar mi bayad kard.
Ya tan barazde dost mi bayad dad,
Ya gataa nazar ze yar mi bayad kard.

"Give up complaining, begging and wailing for trifles Out of the two ways you choose the one you like. Either surrender yourself quietly to the mercy of your friend" (as the Central Muslim Party seems to be striving for) "or cut off all connections with your friend, non-co-operate, and chalk out your own independent existence."

I am sorry, Sir, that by mistake I have referred to the Central Muslim Party

Dr. A. Suhrawardy (Burdwan and Presidency Divisions: Muhammadan Rural) Please do not be sorry We are the target of everybody's attack, because we are in the centre.

Pandit Krishna Kant Malaviya: If this fact gives consolation to my friend, and the cap fits him, I do not withdraw my words.

Dr. A. Suhrawardy: Please do not

Pandit Krishna Kant Malaviya: What this path is, Sir, should be clear to every one of us The Government are forcing this measure upon us, in spite of us Let us accept this challenge of the Government as men and resolve that whatsoever may happen we will defeat the Government, we will nullify this act of the Government, that we will go out from this place straight to our people, tell them our plight and organise a boycott of foreign goods, especially British, and exhort the people to see that nothing of British origin or manufacture comes into our homes. I think, Sir, this is the only course we can adopt to defeat this measure, and I hope my countrymen will rise to the occasion and act upon my simple but effective suggestion

I have finished, Sir, but before I resume my seat, I want to make it plain to my Honourable friends on the Treasury Benches, and through them to their masters, the British public, that ours is a fight of righteousness, our weapon is suffering and non-violence We are not afraid of their cannons, guns and regulation *lathies* We know that the Government will fight for their own existence They will use all available means to crush us, but we will not retaliate We will not raise our hands against them, but still we have no doubt that we will achieve the victory, for our faith in our cause is supreme Truth and justice are on our side, Sir, and we know this much, that no Government, howsoever powerful, can rule a people long without their consent. You can carry on your administration by the help of the sword, but let me tell you the real truth that, so long as the people remain discontented, do not co-operate with you and are averse to the powers that be, the people and not the Government will win

I, therefore, ask our Masters, through you, Sir, to pause, consider and then decide to act rightly, not as tyrants but as servants of the people of India, for the sovereignty of India lies with them and not with the people of England

Nawab Sir Sahibzada Abdul Qaiyum (North West Frontier Province Nominated Non-Official) Sir, the House has listened to many elaborate and long speeches from very experienced Members and very high class philosophers, politicians, economists and even leaders of labour on this subject and I think it is time they should hear the views of some laymen like myself I thought the last speaker also claimed the position of a layman and had put his case very pathetically before the House But I am afraid I cannot agree with him in the conclusions he has arrived at. Sir, the debate has reached such a high pitch of eloquence and oratory, that I find it very difficult to follow it in the same strain. I am afraid I shall have to bring it back to the understanding of an ordinary man like myself, because, after all, the House is not entirely composed of highly qualified lawyers and economists, but there are some like myself and my

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Honourable friend, Captain Hira Singh (Laughter), who can only claim ordinary common sense, and it will be from that common sense point of view that I shall try to lay the case before the House But, Sir, before I do so I should like to remind the House, if reminding is necessary, that I am a nominated Member, that much maligned and condemned nominated Member, of whom you hear so much in this House.

Mr. Fazal Ibrahim Rahimtulla (Bombay Central Division Muhammadan Rural): So the Honourable Member is helpless in the matter owing to want of a constituency.

Nawab Sir Sahibzada Abdul Qaiyum: But I do claim, Sir, that I have a certain amount of self-respect and responsibility (Hear, hear) and a little credit in my own part of the country and it will be with that sense of responsibility that I shall try to lay my views before the House. Is it not a fact, Sir, that, both elected and nominated Members come to this House with certain preconceived ideas, ideas which they have been entertaining at their homes long before their elections or nominations take place? I do not think, that there is much difference between the status of the two, as far as my personal opinion goes While the one owes allegiance or election to a constituency or a class of people who are out to condemn the present form of Government, the other who comes from his constituency, whether it is the so-called Viceregal Lodge or the people of his own way of thinking He is not out to condemn the Government in all and every matter Both are treating the Government like an accused person, but while the nominated Members think that, unless by the evidence laid before the House they find the accused guilty, they will not condemn the Government and pass a verdict of guilty against them, the majority of the elected Members take it for granted that the Government are already guilty and convicted and they will not give the Government the benefit of any doubt that may arise in the House as the result of the debates or discussions! That is the only difference that I can see I will not say more on this subject But I must confess that I am a nominated Member, whatever reasons there may be for my coming to this House as a nominated Member

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural) What can the Honourable Member do? His friends in the House have not given reforms for his province to enable him to come in by election?

Nawab Sir Sahibzada Abdul Qaiyum: I assure the House that I shall try to be honest in this matter You may not occasionally find me very honest in some matters When they touch my religion or my community, possibly I may be a bit partial there, but in a matter like this, I am quite free and open to conviction Now, Sir, coming to the main issue before the House, I find that the debate we have been holding for the last few days is on a measure which is laid before the House and which claims to give protection to certain industries in this country, especially to the textile industry or mill industry as it is generally called The people who have introduced the measure also claim that it is a measure for the protection of the industries of the country On going through the Bill and the Statement of Objects and Reasons of the same, I see that the word "Preference", Imperial or otherwise, is not there and seems to have been intentionally omitted from the language of this Bill. At least I have not come across the word in the Bill itself or in the Statement of Objects and Reasons of it and if this is so, I think we have got nothing except our own fears and

suspicions to go upon These may or may not be justified—I do not dis pute that, but the shape in which the Bill is drafted and put before the House, clearly shows that all reference to Imperial Preference has been omitted Personally I do not see what difference the omission of the word "Preference" will make if there is that word in the Bill called "protection", which means the same thing, self-protection, self-preserva tion or self-interest! As long as self-interest exists in this world and words of that sort are there in the dictionary, I think the word " pre ference " should be used as an adjective only and the two words " protection " and " preference " should be considered as synonyms. If you study nature, there is the principle of self-preservation, and preference in everything before you, in animal life, in vegetable life, and in everything else there is this principle of preference or protection. Well, Sir, if one were to try to make difference between protection and preference, then, according to my light, preference would be applied in a case when you have something surplus to give to somebody and you want to judge to whom you should give it, or when you have something to give in charity and you want to decide to whom it should go So if there is anything surplus with us and we are asked whether we would like to give it to one nation or the other, then the question of the preferential treatment of the one or the other would arise, but not otherwise Of course preference could be shown in another way too, that is, if I am to be killed by some one and must die, then I have the choice whether I should prefer to be killed by A or by B! If you want to apply your pre ference in that way, you are welcome to do it, but I do not believe that the word "preference" should be used in a case like the one under dis cussion The simple question before us is this, and it is not disputed by any Member of the House, that the mill industry in the country is starving and is in difficulties and that it requires protection There is no dispute about that, the question is how to protect it This protection could be given them either by bounties or by raising the import duties These are the two ways of helping the industry If you give bounties, you submit the consumer to a direct taxation You have to raise the money at once and help the industry by taking the money from the pockets of the con sumer in a direct manner If you impose additional import duties, then the result perhaps is also, to some extent, the same, but there is a possi bility of the mills developing themselves in such a way as to bring in some good to the consumer by cheapening their goods as against the foreigner who will have to raise his prices to cover the extra duties Well, Sir, if we are to consider the position of the mill industry in the country, we have also to consider the position of the producer of the raw material and of the consumer As regards the producer of the raw material, I believe that, as long as our population stands at its present figure of 30 or 32 crores, and clothing must be found for them from somewhere, the producer's raw material must be purchased either by the local mill industry or by the foreigner The foreigner will not care to buy much of it if he can find it cheaper in other places, but the local industry will not go out of its way to import raw material from outside when it can find the material in its own country at a fairly cheap rate If they are wise, the local industries, I am sure, will buy the locally produced material and will employ it to a very large extent. In that case the producer's losses will not, to my mind, be very considerable. I think they will be smaller than even the losses of the consumer The material will surely be used by the local mills and no surplus material will remain to be exported and the prices of the raw

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material will not go down very much That is my idea of the thing Even if the produce is not fully consumed by the local industries or if the local mills do put up higher prices after finishing their goods, the possible result will be that people will restart their cottage industries and will find labour at home which is the object of Mahatma Gandhi's movement Supposing the people find themselves unable to buy these goods on account of their higher prices, then, is there not the possibility of the revival of cottage industries, and the object of Mahatma Gandhi's movement will be more readily achieved

Sir, as regards the differential import duty that is suggested to be levied, my idea of it is a little different from others I will take it in this way, our house is liable to flood from various directions, from the Lancashire side, from the American side and from the Japanese side, etc I have to fortify my house against these possible floods, in the light of the experience of the past If I am a wise man and want to be on the safe side, I shall build a stronger wall against the corner from which I have suffered greatly in the past and from which I fear the floods in a more tremendous way in the future and I will put up an ordinary wall against the corner from which I do not expect much damage, or very strong torrents If the past history of this trade shows that the market of India has been captured to a great extent, if not wholly monopolised, by goods from Japan, as compared with goods from Lancashire and if I see that conditions of labour in Japan are favourable for the expansion of that industry in that country as against the expansion of Lancashire industries, then I should be careful to build the wall against Japan a bit stronger than against Lancashire Sir, Lancashire every now and then gets into the same labour troubles as Bombay gets into occasionally and there can be no question of comparison between the two Wages are very high and labour troubles are more constant in England than in Japan and I do not think that Lancashire has much chance of occupying the place which may be vacated by Japan in the Indian markets There is not much fear of the market left open by the Japanese goods being captured by Lancashire, if the mill industry of this country were to avail itself of this opportunity and develop its resources No doubt our mill industries will have to exert themselves when they have got this opportunity, and I am sure that in their own interest they will do so They have seen some bad days, and if the accusation against them is true that, in their good days they did not develop themselves or strengthen their position, I am sure they will benefit by their past experience and not commit the same folly again They will have to develop their mills, and having done so, there is not the least possibility of their not being able to prevent any influx of goods from the Lancashire side The local industries have already achieved much in the past in that direction and there is no reason why with this additional import duty they should not improve still more Well, Sir, that is my reading of the situation I do not consider that it is a question of preference to one nation or the other It is the question of protection against possible intruders I have used the word "floods" and the direction from which we have the greater fear of floods will have to be guarded with a stronger wall than from the other direction

Personally I am not very much enamoured with this high principle of "free trade" and no partiality, no favouritism and no "preference" I am a very selfish man. I am not like some of those gentlemen, especially my friend, Mr Acharya, who claim to be more spiritual than myself I have

only materialistic ideas in a matter like this and can see the gain and loss side of it only If I gain something by this protection, I will not really worry myself much as to whether full justice is done outside my country to two other nations or not or whether one nation has got preference over the other I shall be delighted to see that justice is done to everybody all over the world on the face of this earth and that everybody should have equal rights, but that is beyond practical politics and possibilities People, in order to protect themselves, have to impose differential protective duties, and even if we do not impose them, there are and will be other nations in this world who have already done so Our sentiments at this juncture appear to be more in favour of Japan at least among some of the elected Members here! I can realise those sentiments as an Asiatic and I can even admire them to a certain extent But I think that the British nation has not done us badly in the past if we were to compare ourselves with others placed in similar conditions under other nations in the rest of the world We have not got much experience of other Colonies under other European and American Nations But if we were to find out about the positions of other countries placed in similar conditions before the war, though they have changed hands now, and I, as a humble traveller in most of the continents of the world, have had the opportunity of seeing those conditions, I can assure the House that they were not very much better as compared with ours and that we were and are much better off in many, if not in every, respect But the difficulty is, as the Persian proverb says, that vessels do crack when they are near one another, but when far off there is not much chance of their cracking There is also another Persian proverb which says that the noise of the drum sounds better from a distance! Similarly we hear a good deal of the better treatment of others, but if we were to compare it with our treatment in this country, it will be the same if ours will not be much better

I am not going, on this occasion, to plead the justice or the injustice of the British rule in India As I said at the beginning, I will look at this matter only from the economic and material point of view Sentiments and personal views do not count with me and should not count with others in a purely business matter By nature we are always very sentimental Orientals as a rule and Indians in particular are more sentimental than practical There was a time when we were weeping for certain things that were happening in the far North-West Africa or in the Near-East or in other parts of the world We were shedding tears for them and spending our little precious money for them But when things settled down there, those people who were more practical than ourselves would not care to go by our sentiments and would run their affairs as it suited them Similarly, I have not seen any signs, so far as the Far Eastern nation mentioned in this connection is concerned, of their shedding very many tears on the condition of India, though as members of the Great Nations Conferences that are going on in the world, they can do a lot for us They can settle matters about the so called Imperial Preference with the British Government We are not yet free to be blamed for anything I wonder if the Japanese would ever go out of their way to help us materially if—God forbid—an opportunity were to arise Our sentiments should go to them—Orientals against Occidentalists, Asiatics against Europeans, Indians against Persians or something of that sort This is quite good so far as sentiment is concerned but I am not one of those who will allow those sentiments to interfere with the practical question of the protection of my home industry, or to

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lead the giving up of that protection or possibility of protection, for the sake of that sentiment I shall be a very pious man if I say that, if a wrong is being done to a certain person in another part of the world, I should give up my chance of getting some gains, a little protection or a little help simply for that sake If we decide to be so spiritual we shall be always at a loss in the present state of the world's affairs ! I am afraid people have become very very materialistic, and they do not go by these sentiments

Another thing which strikes me is this, Sir, that while in the same breath many Honourable Members accuse the Government of irresponsibility, *i e*, of not being responsible in this thing and in that thing, always bringing in that as a grievance, they think as if it is in their power to change the whole constitution all at once by refusing a measure like this They can express their opinion and have done so, but it is not becoming of them to condemn and abuse the Government in season and out of season on every measure and point I should like that a week in every Session be allowed for the condemnation of the Government, or if necessary, a week in a month or an hour after the question time and perhaps Members would be quite justified in demanding this, and as the Treasury Benches have got accustomed to it, and have been showing so much patience that I never see much pain on their faces when they are cursed by Members in terms such as "go to the dogs" etc, etc I believe they will be quite prepared to bear that condemnation for an hour, a day or a week, a month or even a month in the Session But it is a thing which really destroys the smooth working of the Assembly, when, in season and out of season, condemnation and political issues and constitutional affairs are brought in in such matters as a Tariff Bill I believe a certificate should be given by the Government of India to such Members at the end of every Session that they knew that they were in disagreement of the Government's present policy, and that they need not waste much time over such condemnations!

Coming back to the old point, Sir—I occasionally get astray I am afraid,—this is a measure which has been brought about for, and is necessary for, giving protection to the mill industry of this country The industry really is in need of it, and whatever other side issues and sentiments may be raised, it is going to give protection to the industry It is not only that the millowners will benefit by it, but there will be additional revenues to the exchequer which may be used for some nation-building works The loss to the consumer, if any, or to the producer, if any, will be the gain of somebody else in the country whether it is the millowner or whether it is the carpenter who will be building some new Government office somewhere in this country, but I believe that the money will to a great extent remain in this country, and that the foreign trade will diminish too to a certain extent by the imposition of this extra duty We should therefore allow the Bill to pass Why put the Labour Government which means to do some thing for India into trouble with the Lancashire and other labour organisations at home and weaken their position?

Sheikh Mushir Hosain Kidwai (Cities of the United Provinces Muhammadan Urban): Sir, to my mind the question of the merits or demerits of the Tariff Bill has been completely overshadowed by the constitutional

crisis of a very great magnitude that has arisen, and until that is solved by some means, by a motion for adjournment or by some other means, I do not think that it would be possible at all to do justice to the merits of this Bill What is the position, Sir? Either the Government here refuse as was done by Lord Lloyd in Egypt to carry out the policy chalked out by my friend Mr Ramsay MacDonald's Labour Government in England or it was nothing but a deliberate deception on the part of the Secretary of State for India himself to have said that Dominion Status was in action in certain respects—at least in fiscal matters Mr Wedgewood Benn said, on the subject of the constitutional position of India, that India had the same status as a Dominion possessed on the question of fiscal autonomy But what do we find here? We find that the Government have adopted the attitude that, whatever the opinion of this House may be, they are committed to this Bill, and that they are not prepared to listen at all to the opinion of the opposite Benches on this question I beg to say that this is not Dominion Status in action This despotic attitude of the Treasury Benches is not in consonance with the policy which the Secretary of State for India enunciated in the House of Commons so recently It is obvious that the attitude adopted by the Treasury Benches has made it absolutely impossible to have any fair discussion on this Bill Every Member of this House (even those Members who were in favour of the Bombay mills not excepted) made it clear that he would not vote with the Government if the Government's threat of withdrawal of the Bill were not there All the Members believed that improvement was possible in the Bill, but they were afraid of making any improvement because of the attitude adopted by Sir George Rainy that he was not prepared even to look at any amendment however well supported it might be by arguments I may go even to the extent of saying that the attitude adopted by Sir George Rainy amounts to an insult to the Leader of the Opposition I do not belong to his party, in fact I belong to no party, but I do very strongly resent the attitude adopted by Sir George Rainy, and I hope that he will even now give up his obstinacy and give an opportunity to the Leader of the Opposition to make out his case for the amendment he has put forward

Sir, in my opinion some way must be found to solve the constitutional crisis which has arisen before we deal with this Tariff Bill and until that is found it is no use our talking and discussing and wasting time over it It may be said on behalf of the Treasury Benches that Mr Wedgewood Benn said that Dominion Status was in action when the Government and this House were in agreement, then the Secretary of State would not interfere in fiscal matters But my point is this The Secretary of State simply enunciated the policy of the British Government as regards the constitutional position of India, and he used particularly the words, "Dominion Status in action" which could not mean anything else, but what you, Sir, pointed out, that is, if Dominion Status really was in action, then the Treasury Benches would have to act as if they were Ministers in the Dominions as far as the question of fiscal autonomy was concerned—they must agree to the majority vote of this House on fiscal matters

There is another point, Sir, How could we come to an agreement—the Treasury Benches and the House—unless Sir George Rainy kept an open mind, and he did not adopt that attitude which I should describe as Czarism in action, that is to say he was not prepared to listen

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to any argument, he was not prepared to allow himself to be convinced If he stuck to this dictatorial attitude how could we expect this House and the Treasury Benches to come to an agreement on this question? Therefore I submit that the matter being one of first class importance, we should first of all decide and come to a clear understanding as to the constitutional position which India occupies in this respect

Pandit Thakur Das Bhargava (Ambala Division Non-Muhammadan) Sir, this Bill has been under discussion for a long time and various arguments have been addressed to the House in connection with this Bill It has been urged that there is no Imperial Preference involved if this Bill is accepted by the House It has been urged, as this Bill does not accord protection to a sufficient extent, therefore the principle of Imperial Preference does not come in at all Preference has been sought to be defined and various words have been suggested for the word "preference"

Now, Sir, the first question that arises is, whether this Bill does involve Imperial Preference or not I will read what the Indian Fiscal Commission have to say on this point According to them, in paragraph 224

" 'Preference' means that goods from one or more favoured countries pay duty at a rate lower than the general rate Whether the preferential rate is a real reduction in duty or whether the general rate has been arrived at by making an addition to what is considered the minimum duty, which thus becomes the preferential rate, is considering the economic effect, immaterial "

Now, Sir, I fail to appreciate the arguments of those who believe that no question of Imperial Preference is involved in this Bill I cannot understand why the Finance Member should have taken pains to devote five or six paragraphs in his speech to this question and why an appeal to the wider interests of India should have been made on the supposition that no Imperial Preference was involved in this Bill I take it, therefore, Sir, that this Bill is nothing but a Bill for giving Imperial Preference, and if Imperial Preference is involved in this Bill, I would certainly expect that those conditions which the Indian Fiscal Commission laid down in reference to the adoption of the policy of Imperial Preference should first be satisfied before this measure can be considered Now, Sir, the first condition that they laid down was that the policy of Imperial Preference should be determined in accordance with Indian opinion I am reading from para 262 where they say

"We recognise that the question of Imperial Preference is one which can only be determined in accordance with Indian opinion, and that the Indian view can be best ascertained by reference to the Council of State and the Legislative Assembly without whose free consent no such policy can be adopted "

Now, Sir, the first point that I wish to submit is that it was the duty of the Government to determine what the Indian opinion was in this matter. It is true that, while the two Houses are sitting, public opinion can best be found out by ascertaining the opinions of the two Houses, but all the same, these two Houses do not cover the entire field of public opinion in this country Then, again, Sir, in para 263 this is what the Indian Fiscal Commission say

"It is evident that the Legislature can hardly be asked to pronounce an opinion on the policy until it has some idea of the extent to which its application is feasible We would therefore recommend that, as a preliminary to any consideration of the desirability of India adopting the policy of Imperial Preference, an examination should be

made by the Tariff Board to determine whether there are any commodities on which preference might be given in accordance with the principles which we have laid down, to the benefit of the Empire and without detriment to Indian interests"

Now, Sir, we know that, in the year 1926, there was a reference made to the Tariff Board and a perusal of their Report would establish that that Tariff Board did not countenance the acceptance of a policy of Imperial Preference At page 177 they said this

"The majority of us do not consider it necessary to discuss the advisability of such a duty for three reasons In the first place, it would, in effect, amount to Imperial Preference and thus raise broader questions of commercial policy than can be dealt with by such a Board as ours, with limited terms of reference A second and even more important consideration is that the proposals we subsequently put forward will involve a very much larger expenditure than would be provided by the imposition of a duty which would only affect a comparatively small proportion of the imports into India"

Now, Sir, the Tariff Board did not consider the question of Imperial Preference According to para 263, I understand that the convention is that the Tariff Board is an integral part of the constitution as laid down in para 96 of the Report of the Indian Fiscal Commission This is what they say

'It will be obvious that the successful working of any such scheme of protection as we contemplate postulates the existence of a thoroughly competent and impartial organization of the Tariff Board which will make inquiries into the conditions of the industries and recommend whether protection should not be extended to them and if extended what the rate should be"

Further on they proceed to say this

'The Tariff Board is an integral part of the constitution"

Now Sir, may I inquire as to why no reference was made to the Tariff Board to inquire into the matter and report upon an important matter like this The reply is given in the speech of the Honourable the Finance 1 P M Member, but that reply is hardly convincing In 1926 the question was whether protection was to be given to the mill industry in Bombay and the mill industry in India At the time the report came out, the Government shelved that Report They only produced a yarn Bill, which was also not in accordance with the recommendations of the Tariff Board I put a question on the 26th March, 1928, in this House and I asked

"Do the Government propose to take any action in pursuance of the recommendations of the Tariff Board Report on the textile industry"

The Honourable Sir George Rainy replied:

"As the Honourable Member is no doubt aware, the Government of India have already given effect to the recommendations which they have been able to accept They have also brought to the notice of the Government of Bombay the recommendations with which the Local Government are concerned There remains therefore no further action for the Government of India to take"

Now, Sir, it clearly follows that the Government of India did not accept the Report of the Tariff Board and did not think it worth their while to protect the mill industry of Bombay Now, may I ask what has transpired between March, 1928, and 1930 that has actuated the Government of India to take up the question of protection Sir, the truth is that, whenever and wherever the interests of India and England clashed, the Government of India have not served the best interests of India

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and they will never move in the matter if the interests of England are likely to suffer But no sooner do the Government of India find that the interests of Lancashire or England require protection, than they take up the matter, give a colour to their own acts and proceed on the supposition that people can be deluded to believe that they are acting in the interests of the mill industry of Bombay, whereas, in their heart of hearts, they think that protection to Lancashire is necessary That is the sole truth This is not the only industry that we have seen treated in this manner Look at any industry in this country and we find the history repeated What happened in regard to the salt industry and the Sugar industry Is not the history the same? I do not know of any industry in which the Government have looked to the best interests of this country, when they clashed with the interests of England

If it is true that this policy of Imperial Preference cannot be given effect to without the approval of Indian opinion and without the approval of the Legislature, in accordance with the recommendations of the Indian Fiscal Commission, may I humbly know what steps the Government have taken to find out Indian public opinion? Whenever a Bill is brought forward in this House and a motion is made that the Bill may be referred to the Select Committee, the Government turn round and say "Where is the hurry? Why not send it for opinions' Now, may I ask, what was the hurry in adopting this course without even considering the report of the Tariff Board It will be said, it has been said, by the Honourable the Finance Member that the matter is too urgent Now, Sir, if you will look at the dates of the Tariff Board Report, you will find that the Tariff Board on textiles began its work on the 1st July, 1926, and finished its labours on the 1st January, 1927 It took almost six months to produce this Report With the help of the materials collected on this Report, Mr Hardy's Report and the Report of the Fawcett Committee, it would not have taken more than a month for any Tariff Board to report on a matter like this I understand that the Bombay mill industry applied to the Government of India for protection again in November or December In those three months any Tariff Board would have undertaken this task and reported on the issue in question But the truth is that Government did not want to protect this industry They wanted to evolve an arrangement by virtue of which they might be able to protect the Lancashire industry and give it the colour of protecting the mill industry of Bombay Sir, I remember a passage which I read in my college days from the speeches of Edmund Burke when he impeached Warren Hastings, in which Edmund Burke described an invention of Ganga Govind Singh and Devi Singh for the purpose of exacting and extorting illegal dues from the poor ryots He said then that a machine was invented by these two men, and the arrangement was so made that two persons were at one time put on a *tik tiki*, a sort of pivot for caning Now, the father and the son were both put on the *tik tiki* and it was so arranged that if the father wanted to shirk the injury, it must strike the son and if the son wanted to shirk the injury, it must strike the father' I will give credit to the gentlemen who are responsible for this Bill for finding out a similar arrangement If, Sir, we want to defeat the Bill, we are confronted with the grim fact that the Bombay mill industry is not protected If we want to protect the Bombay mill industry, the father is struck The political issue is the

father and the commercial issue is the son. I think the Government have even beaten Ganga Govind Singh and Devi Singh The reason which the Honourable the Finance Member has given for introducing this measure is one which will never appeal to this section of the House The entire mentality behind this measure proceeds upon one assumption, and it is this, that in times to come, as in the past, India is to remain for ever the producer of raw materials for England and England is to be the manufacturer of those raw materials On page 59 of the speech of the Finance Member we find he said "In the second place it is desirable to encourage industrial development provided that this can be done in conjunction with, and as a supplement to, the agricultural life of this country" No English man likes India to evolve industries which are not connected with the agricultural life of the country They want that, so far as manufactures are concerned, India may always look to England for her manufactures The entire endeavour seems to be that, in times to come the Bombay mill industry should never succeed in building up an industry dealing with finer counts of yarn and clothes When I came to this House, the Report of the Tariff Board was one of the first Reports that were supplied to us I thought that, after all, the Government of India are now taking a new turn in their life, but I was deceived, and when I received the reply that Government are not doing anything in the matter, I recognised that these commissions and committees are only meant for a particular purpose They are only meant to shelve inconvenient questions for the time being When we come across any report of any commission which goes to the root of the matter, for instance, the Skeen Committee

Mr. President: What about the Age of Consent Committee of which the Honourable Member was a member

Pandit Thakur Das Bhargava: In regard to that I will only submit that the Government have shelved all the recommendations of that Committee, and when they passed the Sarda Bill, they gave us a measure which will be fruitful of much greater evils than of good things I say it deliberately, because I moved an amendment in that connection so that the Government might be able to take automatic action in suitable cases Government declined to accept that amendment, while admitting that the amendment was good

Mr. President: And yet the Honourable Member voted for the passing of the Bill?

Pandit Thakur Das Bhargava: So far as that aspect of the case is concerned, we are not so unreasonable as this Government If the measure is one which will benefit my people, I will certainly accept it, even if it does not come up to my expectations, but where a principle is involved, where that principle goes to the root of the thing, I will never accept a measure which is full of poison and will kill me the next day That is my reply Sir, I was submitting that whenever an inconvenient report comes in, the Government are in the habit of shelving the report of that Committee Now, Sir, when this Report came, it was very difficult for the Government to accept the recommendations, because they were, if you will allow me to say so, honest recommendations Sir the main recommendation of this Report was that the Bombay industry would be well advised in insisting that the industry builds

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itself up in a way that will be armed with the power of manufacturing cloth of finer counts That was one of the recommendations I will now refer you, Sir, to page 153 of the Report where it is said

"We consider that it is essential that Bombay should utilise to the full the natural advantages it possesses in the matter of climate and of its situation in respect of imports of American or African cotton for the production of goods of higher quality than it has done in the past, that it should devote much less attention than it has done to the production of grey goods, more especially of grey longcloth and shirtings, and that it should embark on a much larger production of bleached and coloured, printed and dyed goods"

And then, Sir, there were proposals in the Majority Report for giving a bounty to higher counts The main recommendations did consist in giving every facility for the protection of cloth of higher counts This was exactly the thing which this Government do not want, and this Bill is designed to postpone for ever any such endeavour in this direction

Now, Sir, what is the stunt that we are treated to now? In this Bill we find that the position of the Government is that the quality of the finer count does not enter into competition with the cloth manufactured in India Sir, I do not accept this proposition But assuming it is true may I humbly inquire what will happen to any person who now wants to go in for a mill which is intended to produce cloth of finer counts? What protection is there for a mill like that? Then, Sir, it is said that this Bill will only last for three years What will happen after three years? During this period, the manufacturers of Lancashire will capture the Indian market and will regain the territories that they have lost to Japan They will be the sole monopolists in this field, and they will be able to extort any price they want After three years, when they have been practically in sole monopoly of the entire market, and if then any new industry wants to rise up in this land, how will it be able to compete with the specialised industry of Lancashire Therefore, it may happen that, when the Bombay mill industry is relieved of its present troubles and wants to rise up again, it may be faced with a very grave situation, and it may find itself in such a position that it may not be able to compete at all, in so far as finer counts are concerned, with the Lancashire industry Therefore, I think, that, judged from this standard, this bait may prove too much even for the Bombay industry

Sir, much has been said about the interests of the consumers in this House, and with your permission I wish to scrutinise that aspect of the case I am really amused when I hear Members of the Government of India talking about the consumers Sir, when I spoke last time on the Budget I submitted for your consideration the real condition of the masses Any person conversant with those conditions will be laughing in his sleeves when he hears in this House the interests of the masses being talked of by the Members of the Government. Sir, today thousands of people are dying of starvation Why do you talk of cloth? They are not getting even food When has this Government thought of these people? They want that they may get labour for one anna a day, but this Government will not provide them with that labour even Sir, such is the state of things If a person of those classes were to come into this House and hear the speeches of the Honourable Members, I think he would be very much pained He will hear that, in his name, such injustice is being

perpetrated and such arguments are being advanced as would actuate him to exclaim, "save me from my benefactors" Sir, it is unsophisticated blasphemy for Members of the Government to talk of the interests of the consumer in this connection What is, after all, the interest of the consumer in this matter? Generally speaking, he produces cotton which he or his village weaver can manufacture into yarn and cloth Taking the estimate which appears in Appendix IV of the Report of the Tariff Board, it is about 14 yards of cloth that he consumes per year This 14 yards, in times of yore, was manufactured in his own village and he did not have to go out to buy it If this Government could have left him in that blissful solitude, I understand he would have blessed the Government. But, Sir, that industry, which flourished in this land, has been destroyed by this Government, and when an industry has been built up by the industrialists of Bombay and other places, this Government will not protect that industry Now, in regard to these finer counts, may I presume that the middle class people and persons of affluence will be affected and not the poor class of people? It may be that those who use cloth of finer counts are not poor people Let me assume that for a moment On this assumption who will be affected? Not the poorer classes, not the consumers for whom this Government is so solicitous

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions Non-Muhammadan Rural) I rise on a point of order, Sir I find the following Notification in the Government of India (Extraordinary) Gazette dated the 26th March, 1930

"In pursuance of sub section (2) of section 1 of the Indian Tariff (Amendment) Act, 1930 (XI of 1930), the Governor General in Council is pleased to appoint the 29th March, 1930, as the date on which the said Act shall come into force"

I should like to know how that date could be fixed in advance?

Pandit Thakur Das Bhargava. Sir, I was submitting that, on the assumption that middle classes and rich persons use cloth made of finer counts, will it not be they who will be affected by this Bill? If it is so, then I would submit that the opinions of the elected Members of this House are the only opinions which can be said to be authoritative opinions On account of the rules and regulations for franchise made by this Government, and the right of representation given so far, if any person or class is represented in this House, it is those middle class people and rich people and thus the opinion of these elected representatives should be regarded as final in the matter Sir, I find each and every Member, to whatever group he may belong, rising in his seat and saying that he is dead opposed to Imperial Preference There is absolutely no difference between persons belonging to any of the popular groups in this matter If the Members of the Independent Party accept this Bill, they say that, "Ours is not a free consent" If the other Members accept the Bill, they always say that they are not free to vote, as it is at the point of pistol that they have to vote with the Government Therefore my submission is that, if this condition as regards free consent is to be satisfied, it is abundantly clear that this House is dead opposed to the policy of Imperial Preference Now, Sir, the words used are, "free consent". May I humbly inquire from the Government as to what they understand by the words "free consent". I can understand "consent", but what is "free consent"? Is it consent which is tainted with undue influence, misrepresentation, fraud or force?

Mr. President: Order, order The Honourable Member knows that the Government of India Act guarantee freedom of speech and freedom of vote in this House.

Pandit Thakur Das Bhargava: Sir, I do not submit that those gentlemen who will vote with the Government will be carried bodily or personally to the lobby by the Government Members, but I want to know by what name will this Government call that action in which the Government have got a remedy in their pocket, and a person is dying, and the relatives are all gathered round him, and the Government say to them, "Well, here is the medicine by which this person can be saved from the jaws of death, but as a price for that medicine, you shall have to part with all your possessions, with all your conscience and with all your political opinions that you have got, and with all that you hold near and dear Is this fair play?

Mr. Fazal Ibrahim Rahimtulla: But they give you the choice

Pandit Thakur Das Bhargava: I do not doubt that my Honourable friend Mr Fazal Ibrahim Rahimtulla will not be carried personally into the lobby But he will be going against what is written in this book (Report of the Indian Fiscal Commission), the product of one of the ablest men in this land, Sir Ibrahim Rahimtulla, his own father to whom he and I owe great respect

Mr. Fazal Ibrahim Rahimtulla: May I point out, Sir, that the question of Imperial Preference is not at this juncture before this House?

Pandit Thakur Das Bhargava: In the first instance I only pointed out what Imperial Preference was according to the Indian Fiscal Commission and I regard that as an authoritative pronouncement

Mr. Fazal Ibrahim Rahimtulla. That comes at a later stage

Pandit Thakur Das Bhargava: At this stage I would like to deal with two arguments, leaving aside the thread of the argument that I was placing before the House just now One argument that I heard from Mr Fazal Ibrahim Rahimtulla was that at this stage, that is, at the consideration stage of the Bill, Members should not make long speeches, because the question has already been discussed, and further, at this stage, it is not germane to go into details of the matter, and when the amendment comes forward, then it will be time for Members to give their opinions, and secondly the Honourable Mr Munshi today appealed to the Nationalist Benches to give up their attitude of hostility to this measure and adopt another attitude Now, Sir, I will meet both these arguments In the first place the position was quite different before the Honourable the Commerce Member said on the floor of the House that he was not prepared to look at any amendment except that of Mr Chetty, which is nothing but Imperial Preference, and also except that of Mr Fazal Ibrahim Rahimtulla, which is also based on nothing but Imperial Preference

Mr. Fazal Ibrahim Rahimtulla: May I point out, Sir, that, as far as the Government attitude is concerned, as I understand it, it is that the Government are not prepared to support any of the amendments which they do not like It is for this House to decide what amendments they would accept

Pandit Thakur Das Bhargava: Then, I understand, there is a fundamental difference between him and myself. The Government have made it absolutely clear that they are not going to accept even the vote of this House

Mr. Fazal Ibrahim Rahimtulla: They never said so.

Mr. M. S. Aney (Berar Representative) They have

Pandit Thakur Das Bhargava: I understand that if Mr Fazal Ibrahim Rahimtulla is convinced that Government mean this, he will change his opinion like an honest man I read only today in the papers and it gave me great pain to read it—if I am wrong I should like to be corrected by the Honourable Sir George Rainy—I read that the Government would not abide by the vote of the House If I understand that to be the position, then I am perfectly right that this constitutional crisis, to which my Honourable friend, Mr Kidwai, just now referred, is a grim reality and it is a greater reality than this ghost of fiscal autonomy Sir, the difficulty seems to be one of exceptional complexity Under the circumstances I think it is a question more of temperament rather than any other question, which makes a difference between Members of the Independent Party on the one side and Members of the Nationalist Party on the other The situation resolves itself into this, that the Government admit that the Bombay mill industry is in a desperate position The Government have said so times out of number, that this industry will die, and they would not refer the matter to the Tariff Board now because the matter is urgent, but at the same time the Government have adopted the attitude that if this particular measure, addition of item 156-A to the Tariff Act, is not passed in the form in which the Government have placed it before the House, or in the form in which Mr Chetty, the old Secretary of the old Swaraj Party, wants it to be amended, if either of these two things is not acceptable to the House, it is clear, Sir, that the Government will let this industry die out But, Sir, I, for one, am gifted with a better sense of imagination and I think that no Government are worthy of the salt of India, who take up this attitude, and no Government can take up this attitude for a long time I am one with my Honourable friend, Mr Birla, that if the mill industry of Bombay will take courage in both its hands and brave the situation, I have not the slightest hesitation in saying that this Government cannot, for a long time, withhold protection which is due to the industry After all this is a question of imagination

Sardar Kartar Singh (East Punjab Sikh) It is a mere threat They cannot withdraw the Bill, because they want revenue

Pandit Thakur Das Bhargava: I do not agree with Sardar Kartar Singh when he says Government want revenue and consequently they have brought in this Bill The Government would have got two crores of rupees more if they put a duty on Lancashire goods and all that revenue the Government are depriving themselves of and making a present of the same to Lancashire The question of revenue does not come in My Honourable friend, Mr Munshi, made an appeal to us that, so far as the Nationalist Party is concerned, their conduct in this House will be more consistent with the position that Mr Munshi had taken up rather than with the position that we have taken up in this House Sir, let me clear the ground by saying that no Member of the Nationalist Party or, for the matter of that, no nationalist would ever agree to Imperial

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Preference in respect of cloth, one of the first and primary necessaries of life for which natural advantages exist in this land Secondly the reply is furnished by the Honourable the Finance Member when he says

"It affords striking evidence that the fiscal autonomy convention has become an integral part of the constitution and that even when British interests are most profoundly affected by tariff changes in India the intervention of the British Government is restricted to representation and appeal"

Now, Sir, I beg to ask if Mr Munshi agrees that this fiscal autonomy convention is a mere sham, let him agree to it, let him proceed on the principle on which the Honourable Mr Jinnah proceeded, and I can understand his position, but as long as Government say, as long as the Secretary of State says in England that fiscal autonomy is a reality, we must take them at their word Really those gentlemen like the Honourable Mr Jinnah and Mr Munshi who speak so smoothly and who speak so sweetly, are really blaming this Government for inconsistency, which is another word for untruth when they say that this convention is not a reality Sir, one of the two things is right, this fiscal autonomy is a thing which the Government accept, or it is a thing which they do not accept I can understand the situation, if the Government say that if the Legislature does insist upon the particular amendment, the Government are not prepared to accept it I can understand that position The Government can say, and an irresponsible Government can certainly say, that whatever the Legislature insist on, they are not ready to accept, but then is the Legislature not entitled to know what will be the Government's attitude if the Legislature does not accept what the Government say? The Government say they want Imperial Preference, but the Legislature says, "No, we do not want it' But both of them want protection How can you get this protection to this dying national industry of India if they do not proceed in the way in which this Assembly wants them to proceed? That is the whole question I do not know, Sir, as to who is responsible for the constitutional crisis When I read the papers today, I found that the Secretary of State, Mr Wedgwood Benn, clearly stated in the House of Commons that this policy of Imperial Preference was not initiated by them, and they were not particularly enamoured of this policy of Imperial Preference It seems that, according to the Honourable Members of the Executive Government, there is no pressure so far as the Government at home is concerned

Mr. Fazal Ibrahim Rahimtulla: They have admitted that

Pandit Thakur Das Bhargava: I know There is no pressure from them I am perfectly clear in my mind that the millowners of Bombay do not want it This House clearly does not want it Then who are those gentlemen who are responsible for this?

An Honourable Member: Six gentlemen

Pandit Thakur Das Bhargava: My Honourable friend says, six gentlemen who are sitting on the Treasury Benches are responsible But I can assure the House that the Indian part of the Executive Council could not have been responsible for it Then the position is that only three Members can be responsible for it Out of these I know that Sir George Rainy could bring in a Bill of this nature in 1927 when he brought the Yarn Bill, but he did not venture to do anything of the sort on that occasion

I do not know how to eliminate him out of this I would like to eliminate all the three, but my difficulty is that somebody is responsible, and whoever is responsible, I am here to give him my meed of praise After all, the gentleman who is responsible for this measure, does not know the real Indian mind I do not concur with the Honourable the Deputy Leader of my party when he said that he wants some political return for Imperial Preference I surely do not concur with Mr Chetty when he said that he wants an economic return for it Sir, I very much concur with the Report of the Indian Fiscal Commission, when they say that, whenever Imperial Preference in respect of a commodity is to be adopted as a policy by the Indians, it must be in the nature of a voluntary gift I quite agree with that Now, Sir, we cannot but deplore that the Finance Member should have perpetrated a piece of political unwisdom in referring to this matter in the spirit in which he has done it After all, what does he say? He says that the English people, the Parliament and the Cabinet will be better inclined to consider our claims to Dominion Status in a better mood if we accept this Imperial Preference Boiled down, it comes to this, that Parliament which, according to the present Government of India Act, is the sole judge of our capacity, will judge us by the things we can offer to them I do not think that as judges of the capacity of Indians for further reforms, Parliament will take into consideration our inclination or our willingness to pay a certain kind of bribe to them I call it a bribe and it is nothing but a bribe

Mr. President: I think the Honourable Member must now conclude

Pandit Thakur Das Bhargava: Sir, my friend Mr Agnihotri yesterday submitted before you that, in relation to this Bill, some offences were being committed He called one of them abetment of illegal gratification Now, Sir, if you find a proper word in the Indian Penal Code for an action like this, I have no hesitation as a lawyer in calling this Imperial extortion It is nothing but extortion You want to extort Imperial Preference from us All the elements of extortion are there, and if a part of this House goes with you into the lobby, Government must clearly understand that they are not free agents in the sense in which this word is used in the Report of the Indian Fiscal Commission

Sir, I was submitting before you the point of view of the consumer when I was drawn aside from the thread of the argument With your permission I will just conclude that aspect of the case I was submitting that, so far as the middle classes and the average class people are concerned, they will be the persons who will be hit, if you consider that those persons usually use cloth manufactured out of finer counts In regard to them, I do not know since when Government have developed a soft corner in their hearts for them If it is the poor people who use cloth manufactured out of the finer counts, may I humbly inquire if the absence of competition will not put them in a worse position? In this connection, I should like to quote again from the Report of the Indian Fiscal Commission They have said, on page 106, while quoting from the Reciprocity and Commercial Treaties prepared by the United States Tariff Commission in 1918

"Where a reduction of duty affects only a fraction of the imports of a particular article, and the major portion of the imports of that article is still left subject to the main or non-concessional duty, the result is not only a loss of revenue to the Treasury, because of the lower rates of duty but absence of any gain to consumers The reduction of duty redounds only to the advantage of the foreign producer"

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Then, again, on page 107 they say

"The effect of this bonus is to stimulate the trade of the manufacturers of the country receiving the preference, and in a short time they may secure for themselves the whole market, driving out altogether the non-preferred manufacturers."

Then, again on page 109 they say

"It is clear that if a single rate of duty is imposed, the States will secure as revenue the whole amount paid by the consumer But if two rates are imposed and the consumer pays a price based on the higher of these two rates, the State does not secure as revenue the full amount taken from the pocket of the consumer The tax therefore to this extent is not sound economically, and this unsound economic effect may be represented by saying that the Government loses revenue—not possibly actual revenue, but relative to the amount which it should receive in virtue of the burden which it is placing on the consumer "

In the end, I will submit that this talk about the consumer is as great a sham as fiscal autonomy and the position, shorn of its accoutrements, amounts to this, as has been just said by Pandit Krishna Kant Malaviya, that the Government of the day do not care for public opinion They usually eat the very words and the principles which they profess to take their stand upon And, Sir, if this Bill is passed by Government with their own votes, the entire responsibility for this will be Government's. I do not deny that the Finance Member may have been inspired by the best of motives in proposing this measure and saying to the House that, in the wider interests of India, the House should accept it It may be justifiable, according to his own standards of morality, to say so, but I will submit, on behalf of the non-officials in India, that we do not regard it as a question of bargain If we want Home Rule or Dominion Status, we want it as our own birthright In the end if any untoward circumstances ensue, if instead of making the atmosphere better and more amiable, the result of this Bill is a worse atmosphere, the blame shall be Government's and they will not be able to say that the non-officials in this House did not sound a note of warning This is not in the nature of a threat, but this is a fact of which Government should take account, and I would, in these circumstances, without submitting anything further, submit to Government that it is high time that Government should make a move in bringing about a sort of freedom to the votes of this House, by taking out this question of Imperial Preference from this Bill and regarding the Bill only as a protective measure

Mr. W. A. Cosgrave (Assam Nominated Official) Sir, I move that the question be now put

Mr. President: I suppose no other Honourable Member wants to speak? Therefore I shall call upon the Honourable the Commerce Member to reply. Perhaps it will be more convenient if the Honourable the Commerce Member begins after recess?

The Honourable Sir George Rainy (Member for Commerce and Railways) With your permission, Sir, I should like to begin after lunch

The Assembly then adjourned for Lunch till Ten Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Ten Minutes to Three of the Clock, Mr President in the Chair.

The Honourable Sir George Rainy: Mr President, the discussion of this Bill has been in progress now for some four and a half days, and every aspect of it has been exhaustively explored by a number of speakers from every quarter of the House It is obvious, that, if I were to attempt to reply to the debate on anything like the same scale, I might very easily exhaust your patience and my own strength I do not think, however, that it will be necessary that I should do so, because, as regards a large number of points, the speakers have answered each other, and when that is the case, it is hardly necessary for me, at this stage, to speak on these points at length Let me, however, at the outset, attempt to reply briefly to the arguments of those who contend that no case for protection has been made out, and that, for that reason, the House ought to reject the Bill The principal advocate of that view was my Honourable friend, Diwan Chaman Lall, and as has been said by previous speakers, in this matter, his course has been perfectly consistent, for he has always refused to support measures of protection for the industries of India, and expressed his intention not to support such measures, until they become in his sense national industries, because they have been nationalised Into that region I will not enter, but one of the reasons which he gave against protection for the cotton mill industry was that the Bombay millowners were an undeserving set of people, and that he was not prepared to impose a burden on the consumer for their benefit I think Government have already made it plain, Mr President, that when they said the need for action was urgent, and that if immediate steps were not taken, the consequences might be very grave They have had in view something bigger, more important, than the benefit of the industry in the narrow sense of the protection of the capital invested in it by the shareholders That capital investment is of course an important question But there is a very great deal more in it than that Diwan Chaman Lall speaks always as the advocate of labour, but he will have to consider what the position of labour would be if a large number of mills in Bombay Island were compelled to shut down We must also remember to what a large extent, as things are at present, the economic welfare of Bombay City and of a large part of the Presidency is dependent upon the cotton mill industry Anything like a collapse in the industry must be attended by serious distress for a very large number of people, the bulk of whom are not directly, though they are indirectly, dependent on the industry I think the House must look at it from that point of view

Now what are the sins which my Honourable friend, Diwan Chaman Lall, attributed to the millowners of Bombay? One of them was that, during the boom period, there was a great deal of profiteering and that the prices to the consumer soared to unprecedented heights When you have an industry, under the control of a large corporation, it is in a position to come to its own decisions and can to a large extent regulate prices, but when you have an industry consisting of a very large number of small units each acting independently and there comes a time when there is a shortage of supplies, then what is usually called profiteering is almost inevitable, because every man feels that, if he does not raise his price, someone else will and therefore, a condition of affairs arises which is very detrimental to the consumer but for which we are not entitled to say that any one in particular is to blame or is an undeserving person Again it is said that Bombay millowners have not taken sufficient steps to bring themselves up-to-date and—I will not use a certain phrase, Mr President, not only

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from the fear of giving pain in a certain quarter but because within the walls of this Chamber it is your prerogative to put the House in order and even my friend, Mr Mody, cannot infringe that—but Government have never concealed their conviction that the future prosperity, nay even the future existence of the industry in Bombay Island is dependent on the carrying out of re-organisation on a drastic scale by the Bombay mills It is in the belief, and it is in the hope that the industry will find it possible to effect such a reorganisation, that Government have put forward their Bill I think my Honourable friend, Mr Mody, in the past, from time to time, has felt that, if any admission were made that there were defects to be remedied and things to be put right, it might be construed as an admission that the case for protection was not very strong Government do not look at it in that way, Mr President In their view, the need for reorganisation does exist; but it is because they believe that reorganisation is not only necessary but possible, that they are asking the House to take measures to provide a temporary shelter behind which that reorganisation may take place

Now, another argument which has been used in the course of the debate against protection is that the cost of production in Bombay is too high and that ultimately Bombay will be unable to hold its own in competition with mills in other parts of India where wages are lower, which are nearer the supply of raw cotton and which are also nearer their markets Clearly the future—and only the future—can tell us what the right view about that is But I think we have to remember that for certain kinds of production, Bombay has advantages, and that, owing to the large scale on which the industry is established there, the opportunity for rationalisation exists to an extent to which it can hardly exist in the smaller centres What I mean is this, that it may be possible in Bombay, to a far larger extent than elsewhere, for particular mills to specialise in the production of particular kinds of cloth and thereby effect a reduction in costs which might more than offset the advantages enjoyed by mills at other centres That at any rate is the belief of Government, and, as I have already said, it is their hope that measures to bring about results of that kind will be taken

3 P M

A third argument advanced by my Honourable friend Diwan Chaman Lall was this, that the burden on the consumer would be altogether too heavy, and that he ought not to be called upon to bear it Now, Mr. President, I hope the time will never come when that argument will not be freely advanced in this Assembly (Hear hear) Honourable Members opposite have expressed the view that, when we on the Government Benches urge the interests of the consumer, we are not to be believed. For that reason it is all the more important that, on the unofficial Benches, there should be those who are not open to any suspicion Rightly or wrongly, to this extent Government go with them. Quite clearly we cannot go the whole extent, because the policy of discriminating protection clearly implies that there must be some burden on the consumer and that, in spite of that burden, the results achieved are likely to be to the national advantage But we go with them to this extent, that we feel that, in every proposal for protection which is put forward, a real effort should be made to ensure that the benefit which the manufacturer receives should be commensurate with the burden imposed In an imperfect

world, it may not be possible to secure that result completely, but at any rate the attempt ought to be made, and for that reason it is important, as I have said, that there should always be those in this House who take that point of view and who represent the interests of the consumer

That completes, Mr. President, what I need say in reply to those who advocate the rejection of the Bill on the ground that no protection is needed, or at any rate, whether needed or not, is not justified Other speakers have dealt in more detail than I can attempt to do with the minor aspects of that part of the case, and I should like to turn now, Mr President, to what was said by my Honourable friend, Mr Birla, in his criticism of the scheme embodied in the Bill, namely, that the protection proposed to be given was not adequate He pointed out how the capacity for production of the Indian mills had increased in recent years, and he expressed the view that, if Indian mills were to be able to sell freely, without undue competition with each other, it would be necessary to reduce the imports by something like 900 million yards I have examined the figures, and I am unable to go the whole extent with my Honourable friend I think, on the one hand, he has to some extent over-rated the productive capacity of the Indian mills when he puts their potential output at 2,700 million yards, while, on the other hand, I think he altogether underrates the reduction in imports which is likely to result from the adoption of the Bill The record output of the Indian mills in the year 1927-28 was, I think, between 2,300 million and 2,400 million yards and it is possible that, by this time, we ought to put their capacity as high as 2,500 million yards But, however that may be, I should like to draw attention to one particular point, and it is this If Bombay sets to work to reorganise, it is inevitable that for certain months, particular mills will be shut down to enable re-equipment to take place, the old machinery to be removed and new machinery to be installed Therefore during the period of re-organisation, the output of the Bombay mills will be somewhat below the full output of which they might be capable I think that is a point worth remembering As to the reduction in the imports likely to result from the Government Bill, I have no doubt myself that that reduction will be substantial Any one who has watched closely the trend of the figures of imports of cotton goods during the last five or six years must have been struck by the fact that, while quantities have varied, values have remained almost the same, with the result that the 11 per cent duty brought in almost the same amount every year That must mean that the public capacity to absorb piece-goods is very sensitive to price, and if the price rises, then we may expect to see, as a result of the higher duty, a substantial reduction in the imports from abroad

Mr. M. S. Aney: May I ask the Honourable Member one question? Did the Honourable the Finance Member take into consideration the possible reduction in the imports in assessing the amount of duty which he anticipates to recover during the next year?

The Honourable Sir George Rainy: I am suggesting, Sir, that the increase in the duty from 11 to 15 per cent, *plus* the additional measures proposed in this Bill, must in the ordinary course of events result in a very substantial reduction in imports Personally, I have no doubt of that myself at all I am unable therefore to agree with my Honourable friend, Mr Birla, that the scheme embodied in the Bill ought to be regarded as

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inadequate in the sense that it will not give the mill industry the protection that it needs, and all that I have been able to read of the reception of the Government proposals in Bombay, not as regards their form, but as regards their probable results, leads me to think that, on the whole, the mill industry, while it does not agree that it has received all that it asks for or all that it ought to get, does not regard these proposals as inadequate in the sense that they will be ineffective, and I think my Honourable friend, Mr Jinnah, was perhaps a little unfair when he referred to a metaphor used by Sir Victor Sassoon in a debate in 1927 about giving a broken crutch to a man who wanted a motor ambulance Sir Victor Sassoon was speaking of a Government measure which imposed a specific duty upon yarn, but made no change as regards cotton piece-goods, and I quite understand that in those circumstances he should say he was being offered something different and something very much inferior to what he had asked for But surely it cannot be seriously urged today that, as regards this measure, we are not giving assistance of the kind which the industry has asked for

One of the charges which has been brought against Government is this, that throughout we have been actuated, above all things, by a desire to benefit Lancashire I am not too careful to defend myself against that charge I do not believe even those who have expressed great doubt as to my motives think in their heart of hearts that I am such a Machiavellian person as they sometimes represent me to be, at least I should have very great difficulty in living up to the fanciful picture they have formed in their minds about me if they really entertain this view But when they make that accusation, I think they completely under-rate the extent to which the increase all round to 15 per cent must effect a reduction in the imports from abroad, and quite as much from the United Kingdom as from elsewhere Clearly what may happen in the future must be a matter of opinion, and no one is bound to accept mine, but I have not the least doubt myself that what Lancashire will lose owing to the increase of duty to 15 per cent is a great deal more than anything it can gain by the increase in the duty to 20 per cent on goods from other countries If what the Government of India had in their mind was to benefit Lancashire, surely they have taken the most unusual, remarkable and eccentric way of doing it Attribute to us, if you like, the most subtle and Machiavellian motives, but it is a little hard if that accusation puts us in a position in which while we may be very Machiavellian, we must also be singularly stupid

Let me turn for a moment to an aspect of the case which has been very frequently referred to by previous speakers, I mean the question whether this is Imperial Preference or not Now, there again I did not find amongst other speakers complete unanimity as to what Imperial Preference meant and what it ought to mean, but I think I must say something on that subject in order to explain what the view of the Government of India is When they say that they are not asking the House to accept Imperial Preference as a principle, they are undoubtedly asking the House to approve in this particular case the imposition of duties which will give preference to British goods That is written quite plainly on the face of the Bill itself But at the same time we say that we do not ask the House

to accept Imperial Preference as a principle. Now, what do we mean by that? What we mean is this If India were to accept Imperial Preference as a principle, then I suppose it would involve the establishment of at least a two decker tariff, with lower rates for Empire goods and higher rates for goods from elsewhere, and that would be done as evidence of India's consciousness of the benefit she derives from membership of the Empire We are not asking India to do that We are proceeding on different lines in this matter altogether My Honourable friend, Sir George Schuster, speaking on the first day of the debate, made it clear, I think, to those who heard him, what the genesis was of the Government of India proposals and what he said I desire to endorse My feeling was that, unless the 15 per cent duty could be reinforced by something more from the minimum 3½ annas duty on plain grey goods, the proposals would be incomplete and would not fully meet the necessities of the case Also I felt strongly, as the Government did, that an increase all round in the duty to 20 per cent meant a burden on the consumer altogether incommensurate with the advantage to the manufacturer, and that, if that objection was given the weight which it deserved, then on those lines we could not proceed And finally it came to this, there was one way and one way only in our view by which we could do justice alike to the needs of the producer and the needs of the consumer If in this case we could discriminate between imports from the United Kingdom and imports from other countries, the thing could be done, and we did not and do not see any other way in which it can be done adequately Nobody doubts of course—it is indeed obvious—that at the same time the proposal will be advantageous to the manufacturer in the United Kingdom in the sense that his position is not so bad as it would be if the duties were left at 15 per cent But I do most strongly contend that his position will be decidedly worse than if the duties were left at 11 per cent as they were up to the 1st of March, and therefore it is for that reason I cannot accept the charge as just, that what we are doing is giving protection for Lancashire and not for India The benefit to Lancashire is incidental, while the benefit to India is fundamental in this Bill

Much has been said Mr President, during the course of the debate on the subject of the fiscal autonomy convention, and it is right that I should attempt to explain clearly what exactly the convention is and how it operates

Mr. President: Who is to interpret the convention?

The Honourable Sir George Rainy: Mr President, all I can do in this House is to explain the view which the Government of India take of it and leave it at that Now, the *locus classicus* report on the subject will be found in the Report of the Joint Select Committee of both Houses which says, and I make no apology for quoting what is said there

"This examination of the general proposition leads inevitably to the consideration of one special case, of non-intervention Nothing is more likely to endanger the good relations between India and Great Britain than a belief that India's fiscal policy is dictated from Whitehall in the interests of the trade of Great Britain That such a belief exists at the moment there can be no doubt but that there ought to be no room for it in the future is equally clear India's position in the Imperial Conference opens the door to negotiation between India and the rest of the Empire, but negotiation without power to legislate is likely to remain ineffective A satisfactory solution of the question can only be guaranteed by the grant of liberty to the Government of India to devise those tariff arrangements which seem best fitted to India's needs as an integral

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portion of the British Empire It cannot be guaranteed by statute without limiting the ultimate power of Parliament to control the administration of India and without limiting the power of veto which rests in the Crown Neither of these limitations finds a place in any of the statutes in the British Empire It can only therefore be shared by an acknowledgment of a convention Whatever be the right fiscal policy for India, for the needs of her consumers as well as for her manufacturers it is quite clear that she should have the same liberty to consider her interests as Great Britain, Australia, New Zealand, Canada and South Africa In the opinion of the Committee therefore the Secretary of State should as far as possible avoid interference on this subject when the Government of India and its Legislature are in agreement and they think that his intervention, when it does take place, should be limited to safeguarding the international obligations of the Empire or any fiscal arrangements within the Empire to which His Majesty's Government is a party"

There are two passages to which I would invite the special attention of the House The first is this

"The grant of liberty to the Government of India to devise those tariff arrangements which seem best fitted to India's needs as an integral portion of the British Empire"

Now, those who composed the Joint Select Committee had very clear ideas of what they were discussing Every one of them must have been familiar with that feature of Parliamentary practice and procedure by which no new taxation, and no increase of taxation, can be proposed to Parliament except by a Minister of the Crown The initiative in such matters in the United Kingdom lies with the Crown, and I think it follows that in India the initiative must rest with the Government of India It is the special function of Government to "devise arrangements" and to place them before the Legislature

The second passage is

"The Secretary of State should as far as possible avoid interference in this subject when the Government of India and the Legislature are in agreement"

Here the point I desire to bring out is that the Joint Select Committee does not attempt to define the functions of the Government of India and the Legislature; it assumes them The Committee are concerned with one point and with one point only, namely, the circumstances in which the Secretary of State should refuse to exercise his ordinary power of superintendence, direction and control These circumstances exist when the Government of India and the Legislature are in agreement and beyond that the Committee does not pursue its investigations The Government of India and the Legislature will discharge their respective functions in accordance with the constitutional practice adopted in all constitutions framed on the British model The function of the Government is to submit proposals to the Legislature and it is the function of the Legislature to pronounce upon them Difficulties of various kinds have, however, been raised and with these I must try to deal

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan): May I interrupt the Honourable the Commerce Member He has omitted the crucial sentence in the whole of the paragraph that he has read That passage is

"Whatever be the right fiscal policy for India, for the needs of her consumers as well as for her manufacturers, it is quite clear that she should have the same liberty to consider her interests as Great Britain, Australia, New Zealand, Canada and South Africa"

The Honourable Sir George Rainy: I read that passage, Mr. President Perhaps the Honourable Member did not hear me

Sir Hari Singh Gour: I did, but I point out that this is the crucial sentence which calls for an explanation

Mr. President: The Honourable Member does not give way.

The Honourable Sir George Rainy: The Honourable Member, I think, wishes to make my speech for me

Difficulties of various kinds have however been raised and with these I must deal One may be stated as follows The fiscal autonomy convention, thus interpreted, confers upon the Government of India a degree of independence, irresponsibility, autocracy, if you will, that can never have been intended They have ceased, it may be said, to be responsible to the Secretary of State and they are not responsible in the ordinary sense to the Indian Legislature To whom then are they responsible? That is a straight question, Mr President, and I shall try to give a straight answer The fiscal autonomy convention means this, that, while there is always previous consultation with the Secretary of State, the final decision as to the proposals to be placed before the Legislature rests with the Government of India and with no one else In this respect, apart from the previous consultation with the Secretary of State, the position of the Government of India is that of a Dominion Government which decides for itself what proposals it will place before the Legislature To that extent the Government of India are independent, but for how long does this position of independence continue? For exactly the same period as it continues in a Dominion, namely, until the Legislature pronounces upon the proposals placed before it As soon as the Legislature arrives at a decision, one of two things happens Either the Government of India and the Legislature are in agreement, and in that case everything proceeds as in a Dominion and no outside interference can affect the decision But when the Government of India and the Legislature fail to agree, there is a difference In a Dominion if the question is of real importance, the difference results in a change of Government which restores harmony In India, under the present constitution, no such result can follow The actual effect is that the convention ceases to operate and the Government of India come once more under the control of the Secretary of State, for as soon as the Government of India and the Legislature are not in agreement, the convention is at an end And if the question be asked, in what sense does the Government of India come again under the control of the Secretary of State, I would say this, that clearly the Members of the Government of India are responsible to the Secretary of State for establishing harmonious relations with the Legislature in this region, so far as it is in their power to bring about that result That is one of the duties of our position.

Now, on this point, Mr President, I should like to refer to what was said by the Right Honourable the Secretary of State in the House of Commons. The three sentences I shall quote are as follows

"Nor would any Secretary of State attempt to lay a finger upon this principle of tariff autonomy which has been established in practice for ten years in Indian affairs. There is Dominion Status in action, there is a Dominion attribute It has now become part and parcel of the rights of India"

Now, it will be clear from the actual words I have quoted, that the Secretary of State is not referring to any new convention or any new

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interpretation, for he spoke of something which had been in existence and in practice for ten years What has been the uniform practice throughout these years in respect of the tariff? The Government of India have framed their proposals and have placed them before the Legislature and the Legislature has passed judgment Where there has been agreement, the Secretary of State has consistently refrained from interference, either at the preliminary stage when the Government of India decided what their proposals were to be, or at the final stage after the approval of the Legislature had been secured But if the Government of India and the Legislature are not in agreement, what then? Is there no means of resolving the dead lock? None, I fear, under the present constitution, save the influence of time and persuasion which may induce one side or the other to modify its attitude For, while in the sphere of tariffs, India already possesses Dominion Status, she does not as yet possess a Dominion constitution But if the differences between the Government and the Legislature remain unadjusted, ought not Government, many will ask, to give way and accept the opinion of the Assembly as decisive? I realise how naturally that view must appeal to those who sit opposite, but it is one which Government cannot accept Duties and responsibilities are placed upon us by law, and we cannot divest ourselves of these even if we would A suggestion of this kind would mean that, whatever changes in the tariff commended themselves to a majority of this House, or, perhaps some of my friends opposite would say, to a majority of the non-official Members of this House, or to a majority of the elected Members, should be brought into force whatever view Government might take That would mean nothing else than the abnegation of their functions by Government in a very large part of the financial sphere The message of the Cabinet has made it clear that the convention applies not only to duties imposed for protective purposes, but also to those imposed for revenue purposes, and from the constitutional point of view, that would be an intolerable position In a sound constitution, each organ must discharge its appropriate functions, and the function of one cannot, without grave disorganisation, be transferred to another

What we are all looking forward to in the near future, Mr President, is a step forward in the path of India's constitutional advancement If the Conference in London should result, as it might, in placing the control of the tariff in the hands of those who, in one form or another, were responsible to the Legislature, then it would rest with the Member or the Minister to put forward his proposals, and for the Legislature to accept them, to modify them or to reject them The Minister might or might not accept the changes made by the Legislature But, if he did, he would become fully responsible for them and could not subsequently plead that the vote of the Legislature relieved him from his responsibility If he did not, his resignation would follow in the ordinary course, and a Minister would take office who would carry out the Legislature's decision The point I wish to emphasise is this, that in no constitution framed on the British model, so far as I know, can the full control of tariffs and taxation pass to the Legislature, unless and until the power of removing the Government or part of it is transferred to it But when that happens, the Executive Government have still their appropriate functions to discharge, for when important changes are in question, it is only the Government who have the requisite information and can discharge fully the responsibility for safeguarding all the interests concerned.

I have tried, Mr President, to put clearly the view of the Government of India as to the interpretation to be placed upon the fiscal autonomy convention Let me pass on to what has been said on the lines that the fiscal autonomy convention is a sham Now, is that seriously urged? How could the policy of protection have been adopted at all in India without that convention? Where would the steel industry in India have been today but for the fiscal convention? And, as regards cotton, are memories indeed so short? Some speakers have referred to what took place in 1894 or 1895, when the cotton duties in India very nearly led to the downfall of the Liberal Government in England, but have Members also forgotten that, as late as 1917, when the customs duty on cotton piece-goods was raised from 3½ to 7½ per cent , it seemed not unlikely for two or three days that that change would bring down the Coalition Government in England, then in the very plenitude of its power And, apart from the fiscal convention, how could the duty have been raised to 11 per cent in 1921, or the excise duty removed in 1926, or, indeed, the duty raised to 15 per cent , as has been done in the current year? The answer is, because the Government of India and the Legislature were in agreement and the convention once having been fully and frankly accepted by His Majesty's Government in England, we have no reason now to apprehend interference from that quarter (Applause from Official Benches) But the indispensable element which must be present in order that the convention may operate, is that the Government of India and the Legislature should be in real agreement and if it were proposed that the Government of India's agreement must be assumed whenever a majority of the Assembly took a particular view, that would be an interpretation of the convention entirely novel and something quite different from anything that has existed since 1921

Mr President, I am afraid I have delayed the House a great deal longer than I intended when I began to speak, and it is time that I should bring my speech to an end All I would wish to say in conclusion are two things Firstly, that there have been a good many suggestions from the other side of the House by some speakers that the motives which have influenced the Government have not always been the best of motives, that they can hardly believe that matters really are as we declare them to be, and that, altogether the circumstances are too suspicious Now, I make no personal complaint about that and indeed why should I? No one has ever been treated better by every Member of this House than myself and I do not regard it as a personal matter at all What I do feel is this that, if this attitude of suspicion is too freely indulged in, Honourable Members will find that they are clouding their own judgment and making it impossible for themselves to arrive at a correct appreciation of the position

The second thing I have to say is this Much has been said of the past history of the cotton industry in India, and of the injury which it has suffered at the hands of Great Britain I am not going to enter into these controversies, but I would remind the House that the situation with which they have to deal is not the situation of 1780, of 1813, of 1840, of 1882, of 1885, or even of 1917—not any of these situations—but they have to deal with the situation that exists in 1930 What is that situation? The very existence of the industry in the Bombay Island is endangered by competition from abroad, by competition from one particular country Now in 1927, when this question came up before, the whole subject got clouded and became more difficult by allegations of unfair competition due to the hours of work by night of women in the Japanese mills But I have already explained in an earlier speech that that has been cleared out of the way.

[Sir George Rainy.]

What we are up against is an intensity of competition which may be asserted in certain ways, but which is due in the main to sheer efficiency, and it is for that reason that reorganisation of the Indian industry becomes all important, just as reorganisation will have to take place in Lancashire if Lancashire is to hold its own, because a definite advance forward has been made in Japan, that great country which is at present showing an example to all the world What we desire to see is that the Indian industry should take advantage of the opportunity given to it and should eventually be able to hold its own, even with the Japanese competition, without the need for any adventitious assistance (Applause)

Mr. President: The question is

"That the Bill further to amend the Indian Tariff Act "

Pandit Nilakantha Das (Orissa Division Non-Muhammadan) Sir, I rise to a point of order The question involved in this Bill is fiscal autonomy for India I have heard the Honourable Member for Commerce explaining the convention of that fiscal autonomy to us in which the issue comes out clearly to the effect that the Government of India will either agree or not agree with the decision of the Legislature I don't think the interpretation of the Honourable the Commerce Member to be correct But assuming that it is correct, it follows that on questions involving fiscal policy like the one in this Bill, the Government of India and this Legislative Assembly are two distinct entities The issue is whether the Government agree with the vote of the House or not What should be considered to be the vote of the House in this question? Now the Government command forty votes in this House

Mr. President: This is not the stage

The question is

"That the Bill further to amend the Indian Tariff Act, 1894, and to amend the Indian Tariff (Cotton Yarn Amendment) Act, 1927, be taken into consideration "

(Mr President having put the motion declared that the "Ayes" had it)

Several Honourable Members: The "Noes" have it

Mr. President: I would ask Honourable Members not to press for a division now There are other stages when Honourable Members will have ample opportunities for dividing the House The "Ayes" have it

The motion was adopted

Mr. President: The question is

"That clause 2 stand part of the Bill "

Rai Bahadur S. C. Dutta (Surma Valley *cum* Shillong Non-Muhammadan): Sir, I beg to move:

"That clause 2 be omitted."

Sir, we have just come to a close of a very interesting debate and I put it to the House, that though a case has been made out for further inquiry as to the necessity of protection in the cotton industry beyond what has been granted by the Finance Bill recently passed, no case has been

made out for immediately granting protection by raising the duty to 20 per cent in respect of cotton piece-goods not of British manufacture. Sir, what is the position? We have heard much about the distressing condition of the cotton industry in Bombay But what are the facts? First of all the industry in Bombay is in a very bad condition, the worst condition possible The second point made out is that Bombay is not Ahmedabad The third point made out is that the dividends of industries in Ahmedabad and other places have come down, though they are not losers. Then there are the other mills in the Central Provinces, they have also suffered some loss Then there are seven mills in Bengal, and as between them, they have also suffered some loss But what the loss is due to has not been made out In what respect and in what proportion have these seven mills suffered loss and what are the causes thereof? But, of course, the less we say of Bengal, the better What is the position then? We also learn that there is severe competition between Bombay and Ahmedabad Of course no one would propose that we should protect Bombay against Ahmedabad Well, then the position comes to this, although the position of the industry in other places might be depressing to some extent, it is not so depressing as in Bombay, and if those industries in other places wanted any degree of protection, the Finance Bill, by raising the duty to 15 per cent, would give sufficient protection to those industries So that, with the duty raised to 15 per cent by the Finance Bill, the Bombay industry would be perhaps struggling to maintain its position, and the other concerns in other places of India would prosper They would not only be able to maintain their position, but they would be in a position to extend their business Then what would be the effect of the further protection proposed?

Mr. President: What is the Honourable Member doing? He is moving for the deletion of clause 2, which would have the effect, I understand, of doing away with the whole Bill Is that so?

The Honourable Sir George Rainy: No, Sir The provision about cotton yarn in clause 3 would still remain, but so far as cotton piece-goods are concerned, the whole Bill would go

Rai Bahadur S. C. Dutta: That is what I mean

Sir Cowasji Jehangir: Sir, I rise on a point of order This is a negative amendment and the Honourable Member will have a right to speak at the close and vote The effect of the amendment is negative

Rai Bahadur S. C. Dutta: If the further protection given be really protective, then the position of Bombay cannot be much better according to the accounts given, because, in that case also, competition with Ahmedabad and other mills in India will remain So that, while Bombay will simply struggle or just maintain its position, these other industries, which are in a better position as regards labour and other conditions, will expand at the expense of Bombay So that no positive case is made out for giving further protection than is given by the Finance Bill which has become law Besides we are not sure what the result will be and the future can only say that If that is so, Government want to take a leap in the dark Then we are not sure and we

[Rai Bahadur S C. Dutta]

have had no arguments to show that the prices of British goods will not increase, and that there will be no competition on account of the removal of Japanese competition between Indian goods and the British goods So that, whatever protective merit there is in the proposals of Government, that is already secured by the Finance Bill which raises the duty to 15 per cent, and it is not expected that there will be any further appreciable benefit to the cotton industry by this other proposal of differential treatment Sir, I yield to none in my desire to make this country self-sufficient in the matter of production of cotton piece-goods, and I am not one of those who would confine this preference to *khaddar* or handloom products only, but would equally extend our protection to mill produce, if a case is made out for protection What I contend is that a case has not been made out that Bombay will be in a position to profit by the passing of this Bill, because there has been no inquiry, and the various considerations that have been urged in this House have not been considered by any competent committee or board, after recording of evidence So what I submit is that there should be a further inquiry before such a debatable measure is adopted I should make it clear here that I am not entering into those irrelevant matters as to the competence or otherwise of the management of the Bombay industries What I insist upon is that the position should be made clear by evidence in what manner the Bombay industry is going to be improved

There was a discussion raised by Diwan Chaman Lall who said that the Bombay industry was not national I do not base my objection on that ground, but the discussion raised by him has made this point clear, that where it is necessary to give national protection, there should be national control It is not necessary that there should be any distinction made as to whence the capital comes, who are the persons to whom the capital belongs, and what class of labour is employed Let us take it that it is an industry of national importance, because it is an industry that is carried on in this country by people who are resident in this country So that, whether we take it that large Indian capital is employed, or Indian labour is employed, or the management is in Indian hands, that may be looked at from one point of view, that it is an industry in national hands And it is also an industry of national importance because it is concerned with the production of necessaries of life, which are used by all classes of people So long as Government followed the policy of let alone, neither helping nor discouraging the people who are running this industry, the capitalists and labourers were entitled to manage it in their own way, without any interference on the part of Government But once it is admitted that it is a national industry, and an industry of national importance that affects the vital concerns of the people as a whole, and that State protection is necessary for its existence, it behoves Government to see how it is conducted I hope,

4 P.M Sir, if the policy of protection is to be permanently established in this country, this House also will take into consideration this fact, that there should not be any national protection without national control and that this House will advise an efficient method of control It will not do simply to raise the duty in the hope that the industry, left to

itself, will somehow manage to profit by it It may or it may not Why should not the Government propose, in that instance, whether the capitalists want protection or not, if it is thought that the industry is of national importance, to take it into its hands and regularise it? I am not going to suggest that it should be nationalised now. The country may not be ripe now for it That may not be the best policy now But why should there not be some control, some regulation, as to the amount of reserve capital, maximum dividends, the amount of bonus and other things, in the same way as the Government controls the co-operative organisations? That is also for the benefit of the country, because it is a matter of national importance

Then, Sir, it may be asked, what is the alternative to my proposal? I am asking the House to omit this clause altogether relating to the imposition of protective duty Now, there are two proposals There is first of all the proposal of Pandit Madan Mohan Malaviya The only difference is that he wants 15 per cent or 3½ annas per pound, whichever is higher I think that would be best if it might be acceptable to all, acceptable to the Bombay millowners and also to the Government I do not know whether the Government will accept it or not But I take it, from the attitude of the representatives of the Bombay millowners here, that it will not be acceptable to them because they want a duty of 20 per cent In that case, if the proposal of the Honourable Pandit be accepted, they will be left to further inquiry after two years, and the further protection that they want might be delayed What I propose is that this question of protection be dropped altogether now and there should be an immediate inquiry by the Tariff Board, so that the proposal may come up next year

Mr. President: The Honourable Member is really flogging the dead horse He knows the principle of protection is accepted by this House I allowed him some indulgence, but he must conclude his remarks

Rai Bahadur S. C. Dutta: In that view I will not say anything more I move my amendment

Sir Hari Singh Gour: I have one or two observations to make with reference to what has fallen from the Honourable the Commerce Member

Mr. President: Order, order Let this be disposed of

Sir Hari Singh Gour: It is in connection with clause 2 of the Bill

Mr. President: The principle of protection has been accepted by the House and I think we had better proceed further, and when the two main amendments come, I will give the Honourable Member the fullest latitude

The question is

"That clause 2 be omitted"

The motion was negatived

Mr. R. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot Non-Muhammadan Rural): Sir, with your permission, I would like to move my amendment in the form in which it appears on the typed paper Sir, I move.

"In sub-clause (*1*) of clause 2, for the proposed Item No 156 A, the following be substituted

'156 A	Cotton piece goods (other than fents of not more than nine yards in length) —		
	(*a*) plain grey that is, not bleached or dyed in the piece, if imported in pieces which either are without woven headings or contain any length of more than nine yards which is not divided by transverse woven headings,		
	(i) of British manufacture . .	*Ad valorem*	15 per cent. or 3½ annas per pound, whichever is higher
	(ii) not of British manufacture . .	*Ad valorem*	20 per cent. or 3½ annas per pound, whichever is higher
	(*b*) Others—		
	(i) of British manufacture . .	*Ad valorem*	15 per cent
	(ii) not of British manufacture .	*Ad valorem*	20 per cent '."

In moving this amendment, I do not intend to make any lengthy speech I propose merely to point out the main significance of my amendment I have not in my amendment taken away the differential system of duty which has been proposed in the Bill as introduced What I have tried to do in my amendment is to abolish that differentiation in one particular class of goods and that is, plain grey goods My reason for taking away that differentiation in the case of plain grey goods is this If it can be proved that any imported cloth, from whatever country it might come, competes with Indian mill products of a similar class, then there is no justification to give a preferential treatment to that class of goods coming from any country In the case of plain grey goods, it has been admitted by Government in the note circulated to Honourable Members by the Honourable the Commerce Member, that a part of the plain grey goods, to the extent of about 45 million yards, does come into competition with Indian mill-made plain grey goods I do not therefore see why this class of goods, coming from the United Kingdom, should be exempted from the operation of the specific duty of 3½ annas per pound It might be asked why I have not also included the dhotis, which it is admitted also come into competition with Indian mill-made goods But it has been pointed out in Mr Hardy's Report that the administrative difficulties in the way of the application of a specific duty for dhotis are almost insurmountable I have not therefore attempted to bring the dhotis under this class As has been pointed out in the note mentioned by me, the Indian mills produce a very great quantity of plain grey goods About 50 per cent of the total production of the Bombay mills and about 44 per cent of the total production of all the mills in India come under this category It is therefore essential, Sir, considering the magnitude of the Indian production in this class of goods, that every attempt should be made that the duty proposed should be, not merely adequate, but completely effective My amendment, by bringing in all plain grey goods under the operation of the specific duty of 3½ annas per pound, will give that effective and adequate

protection which the Indian mill industry needs, and that, Sir, is the justification for my moving this amendment So far as the definition is concerned, a slight alteration has been made in my amendment The object of that is simply this Of late a class of dhotis from Japan, with printed headings, have invaded the Indian market, and these compete very severely with Indian mill-made dhotis with woven headings Now, the Japanese are able to produce these printed heading dhotis on their automatic looms, and therefore it is essential that, if effective protection is to be given to the Indian dhotis, the Japanese dhotis with printed headings must also be brought under the operation of this specific duty of 3½ annas per pound These are my reasons for moving this amendment With these words, Sir, I move

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions Non-Muhammadan Rural) Sir, I beg to move that

"In sub-clause (*1*) of clause 2 "

Mr. President: I should like to explain to the House that the procedure which I propose to follow with regard to these amendments is this I propose to take Mr Shanmukham Chetty's and Pandit Madan Mohan Malaviya's amendments together and to allow a general discussion, and at the end of such discussion, to put the two amendments one by one to vote

Pandit Madan Mohan Malaviya: Sir, I beg to move that

"In sub clause (*1*) of clause 2, for the proposed Item No 156A, the following be substituted

'156A Cotton piece goods	. *Ad valorem*	15 per cent or 3½ annas per pound, whichever is higher '"

Sir, the object of my amendment is clear from the language used in it I recognise the necessity for giving protection adequate protection, to the cotton industry in India, including of course that of Bombay I recognise that the industry has been hard hit by the financial policy pursued by the Government of India in the past, and that it stands urgently in need of much assistance Therefore there is no question in the discussion of my amendment of the principle of protection, that principle is involved in it, and I strongly and heartily endorse it I feel that all questions relating to weak points in the management of any national industry are questions which have to be considered at other times, on other occasions, and to be pursued very intensely until our management of our national industries stands quite on a par in the matter of efficiency with any industry in the world But at a time when the industry has been hard hit by the evil policy pursued by the Government for years past, it is not right that we should be raising questions as to the weakness or want of efficiency of the management of the industry

But Sir, that is only one aspect of the question My amendment raises the question of the amount of protection which is to be given to the Bombay industry and the cotton industry generally in India. We are at one with the Government of India in desiring to give protection to the cotton industry of Bombay, in fact, if I may be allowed by the Honourable Members opposite, I would claim that we on this side of the House have naturally more real sympathy with both the capital and labour of Bombay and India than the Members on the opposite Benches I hope they will not think that I am in any way disrespectful to them, but I do

[Pandit Madan Mohan Malaviya]

claim that they all allow that we, Indians, feel at least not less strongly than the Honourable Members opposite the need of offering assistance to the Bombay industry The only question is what should be the measure of that assistance, and what is the form in which that assistance should be given I had hoped that, at the end of a very interesting debate, in which many most excellent speeches were delivered—speeches which would compare well with speeches delivered on a similar occasion in any assembly in the world—the Honourable the Commerce Member would attempt to answer the many important points which were raised in it I listened to his speech with great attention—as I always do because he is among the Civil Service men by far the best speaker we have in our midst today But, Sir, my Honourable friend very carefully avoided answering the many important points which were taken up by my friend Mr Ghanshyam Das Birla in his excellent speech He also failed to give us any reason as to why the Government of India should be so stubborn in their adherence to the proposals which they have laid before the House He did not explain, Sir, why it was that the conviction dawned upon the Government of India not in the first instance, but after the receipt of the message from His Majesty's Government, that they should raise the duty on non-British manufactured goods to 20 per cent The Government of India, roused at long last to the consciousness that the Bombay cotton industry and the Indian cotton industry needed and deserved help, framed their proposals with great care, and those proposals were to raise the general import duty from 11 to 15 per cent and to put a protective duty of 3½ annas per pound on all plain grey goods Those were the proposals which the Government of India after months of consideration, after taking all the expert advice which they have at their disposal, after comparing the industry in India and in England, came to These proposals were communicated to His Majesty's Secretary of State His Majesty's Government considered these proposals and they courteously asked the Government of India to take into account both the reactions of their proposals in India and their serious effects in England There was no dictation, they drew attention to what they apprehended would be the result of the imposition of the two proposed duties, on the one side on the consumer in India, and on the other on Lancashire; and they asked the Government of India to give full weight to the considerations they had urged They feared that the proposal of the Government of India for raising the general revenue duty from 11 to 15 per cent and a protective duty of 3½ annas per pound on all plain grey goods would hit the Lancashire industry hard, and they urged that, at this juncture, the Government of India should think of the grave results which might follow in Lancashire by this proposal being accepted They objected to the two proposals and they gave their reasons for their objection The Government of India considered the views of His Majesty's Government very fully; they urged that as regards bleached goods and finer qualities of grey and coloured goods, which Lancashire mainly supplies, an increase from 11 to 15 per cent could not be represented as a crushing burden on Lancashire; and the protective duty would not affect Lancashire. I cannot understand why the Honourable the Commerce Member has not offered one word of explanation as to why, at that stage, the conviction dawned on the Government that they should propose a 5 per cent additional protective duty upon non-United Kingdom goods I still pause for

an answer Up to the moment of the receipt of that cablegram the Government of India adhered to their original view Even in their reply to His Majesty's Government they adhered to the view that the proposals which they had put forward were sound They urged that they must adhere to those proposals. What was it then that gave them the idea that there should be an additional protective duty of 5 per cent. with a minimum of 3½ annas per pound on all plain grey goods, against all cotton goods of non-British manufacture? It has been made clear that His Majesty's Government gave no indication of their desire to have this additional protection Even in yesterday's telegram it was made clear, though it was not necessary to do so, by the Secretary of State that he did not send any instructions to the Government of India regarding this additional protection, that to quote the words of the cable, "he had never at any time suggested preferential treatment for goods from Britain The suggestion originated in India" Nothing could be clearer than that We still wonder therefore why the Government of India should have taken upon themselves, without any suggestion from Lancashire, or London to propose a higher duty than they had deliberately, after months of deliberation, proposed should be adopted

Our whole quarrel with this proposed additional duty is for two reasons, first that it is a higher duty than, we have been given to understand, the Government of India believed at the time was necessary, secondly because it introduces a question of preference to the goods of the United Kingdom. I have tried to imagine some reason for justifying this course on the part of the Government I have failed to do so The Government of India have not helped us with any Then it comes to this that, while the Government of India in the discharge of their responsibility, such as they believed it to be, thought it fit to propose the duty of 15 per cent. and a minimum of 3½ annas per pound on all plain grey goods, they thought it consistent with their duty to the people of this country in whose interest the Members of the Government profess to be acting, to add apparently wantonly to the duties that they had first proposed to His Majesty's Government, a 5 per cent protective duty, with a minimum of 3½ annas per lb. on plain grey goods, against all cotton piece-goods from outside the United Kingdom I say apparently wantonly because no explanation has so far been forthcoming And we find that the Government of India now adhere to their new proposal with a tenacity worthy of a better cause Why has it, Sir, become necessary to raise the duties higher? We have got two very able Members on the Government Benches, the Finance Member and the Commerce Member Both of them have failed to offer any explanation as to why they felt it necessary to add to their original proposals this extra protective duty They have not explained . . . .

The Honourable Sir George Schuster (Finance Member) I am sorry to interrupt the Honourable Pandit I did give this House a very full explanation of the course through which our proposals went, and I think if the Honourable Pandit would read my speech which I delivered in answer to his own in the debate on the 13th March, he would find that I gave a very full explanation of how we arrived at our final plan and what had passed through our minds before arriving at that plan

Pandit Madan Mohan Malaviya: The Honourable Member described to us, Sir, the process of mind which he had passed through, but I regret to say that neither in his speech nor in the statement made today is there any justification offered for raising the duty from 15 per cent. with a

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minimum of 3½ annas per pound on plain grey goods to 20 per cent. with a minimum of 3½ annas per pound on plain grey goods, against all cotton piece-goods from outside the United Kingdom. My Honourable friend has not explained what facts had occurred within the period of submitting his first proposals to His Majesty's Government and the time when he framed his additional proposals, what events had taken place which affected the cotton industry of India and which justified the step which they had taken. That is my grievance, that is my complaint.

The Honourable Sir George Schuster: I submit, Sir, that it was not necessary for us to advance any special reasons or call attention to anything which had happened to cotton industry of India during the last few weeks. The question of putting up the duty to something higher than 15 per cent had always been under consideration ever since the deputation of the millowners interviewed my Honourable colleague and the Acting Finance Member on the 8th of December The claim on behalf of the millowners had always been for a protective duty of 20 per cent The Government of India's difficulty was to find justification for imposing an all round duty of 20 per cent, and it had always been in the minds of the Government of India that the case would be easier if they could find some principle of discrimination which would avoid the very heavy burden on consumers, of putting a duty on to a large quantity of goods which could not, within the period under contemplation, be manufactured by Indian mills It was the difficulty of finding such a principle of discrimination which had prevented Government from being able to satisfy themselves that they were justified in imposing a duty of 20 per cent I explained in my speech that after we had been approached by the Cabinet we felt that in all the circumstances we should be justified in proposing to this Assembly the principle of discrimination which is now embodied in the Bill which amounts to discrimination according to the country of origin I think, Sir, I am justified in saying that, at least, we have done our best to make history of our proposals clear, and I pointed out to the Pandit that it was extremely difficult to delve back into the past and put before this House a full explanation of a complicated series of discussions when all sorts of ideas came up, and at various stages certain particular forms of proposals held the field, were considered and rejected, then considered again and so on until our final plan was arrived at

Pandit Madan Mohan Malaviya: I am sorry my Honourable friend should have spent so much of his time and not given us any further enlightenment on the subject. What I beg to ask him is this The Government of India had, after considering the proposals which the millowners of Bombay had made for a 20 per cent. protective duty, rejected those proposals. They had arrived at the conclusion that they would impose a 15 per cent. duty all round and 3½ annas per pound minimum on all plain grey goods. At the stage when the Government of India arrived at those conclusions they had considered all that the millowners of Bombay had urged and had rejected their proposals They had decided that the amount of protection which the millowners of Bombay had asked for could not be given They had also decided that there was no justification for a 20 per cent all round duty on all cotton piece-goods imported into this country Then I ask, when a message was received from His Majesty's Government, how did the receipt of that message alter the situation so far as the consumer is concerned or the industry in India is concerned?

How did it so alter the situation that the Government of India suddenly accepted the larger portion or at least a large portion of the proposal of the Bombay millowners and put forward their new proposals of 20 per cent. duty on all cotton piece-goods of non-British manufacture I regret, Sir, the Honourable Member has failed to offer any explanation, and I hope the House will agree with me in saying so

The Honourable Sir George Schuster: I would point out to the Honourable Pandit that the result of the Cabinet message was to influence the decision of the Government to put forward a particular principle of discrimination which they think enables them to achieve a double object, namely, the object on the one hand of giving the maximum protection to the Indian industry where protection is needed, and, on the other hand, of avoiding an unnecessary burden on the consumer The decision which was taken by the Government after the Cabinet message was that, in the light of that message, reinforcing the other considerations which had been previously present to their minds, they should come before this House and frankly propose this particular principle of discrimination.

Pandit Madan Mohan Malaviya: It comes to this, that the Government of India, merely by reason of the receipt of that message, rejected the decision that they had deliberately arrived at, and they became conscious of the necessity and justice of giving further protection to the Bombay mill industry, that while they had definitely and deliberately decided that the Bombay mill industry needed only 15 per cent and 3¼ annas per pound minimum, the effect of the receipt of the Cabinet message was that it set them thinking again about the mistake of their ways and the evil effects of their decision, and roused their conscience to the feeling that the Bombay industry needed more help and should be given more help

The Honourable Sir George Schuster: I have already pointed out very clearly in my speech in answer to the Honourable Pandit the other day, that at that stage no final decision has been arrived at

Pandit Madan Mohan Malaviya: I have heard the word "final" used by the Honourable the Finance Member and the Honourable the Commerce Member many times What does it mean? The final decision arrived at by the Government of India, when they put forward proposals before this House? Does the Honourable Member mean to suggest that the decision, which they conveyed to His Majesty's Government in their despatch, was not the final decision? What was there in it which made it lack the element of finality? It was absolutely final till the Government of India received a message from His Majesty's Government. I think my friends will agree that the decision was final so far as these two proposals were concerned I wait for an answer I should like to have an answer.

The Honourable Sir George Schuster: The facts which I stated are perfectly correct, that no final decision had been arrived at. The whole of the budget proposals were still under discussion with the Secretary of State and on this particular matter no final decision had been arrived at.

Pandit Madan Mohan Malaviya: Do I understand my Honourable friend to say . . . . .

Mr. President: I cannot allow this discussion across Benches to go on indefinitely. The best course for the Honourable Member, when there is a dispute as to what actually are the contents of a document, is to produce the document about which so much has been said

Pandit Madan Mohan Malaviya: That will be the finest and the fairest thing We asked for the production of the letter which the Government of India sent to His Majesty's Secretary of State but the Government of India have not produced that letter. Therefore the presumption, as every lawyer would say, is that the evidence which is not produced would be damaging to the party which does not produce it That in my opinion is clear I shall ask one question with your permission Does the Honourable the Finance Member mean to convey to this House that, so far as the proposals to impose cotton import duties were concerned, the Government of India had, at the time of submitting their proposals in the first instance to His Majesty's Government, any idea of revising these two proposals, namely, the raising of the general duty from 11 to 15 per cent, and the protective duty of 3½ annas per pound on plain grey goods? Did the Government of India contemplate changing either of these proposals before putting them before this House, until they received the message from His Majesty's Government?

The Honourable Sir George Schuster: I understand, Sir, that it was your desire that this discussion should not continue

Mr. President: When there is a dispute as to the actual contents of a document, the proper course is to produce that document and not to carry on a discussion across the Benches in this way

Pandit Madan Mohan Malaviya: I shall be very thankful if the Honourable the Finance Member or the Honourable the Commerce Member will give us an assurance that they will produce the document I shall be very grateful indeed

The Honourable Sir George Rainy: I have already said that I cannot add to the correspondence which I have already placed before this House

Pandit Madan Mohan Malaviya: I am very sorry to take up the time of the Assembly with these questions In that case, I take it that the Honourable the Finance Member's last reply meant that so far as these two proposals were concerned, namely, the raising of the general duty from 11 to 15 per cent, and 3½ annas per pound on plain grey goods, they were final so far as the Government of India were concerned, when they sent them up to His Majesty's Government I hope I am right in assuming it.

The Honourable Sir George Rainy: I think, Mr President, I must be allowed to reserve what I have to say until my turn to speak comes.

Pandit Madan Mohan Malaviya: The elected Members have to bear a great deal of pain in this House But the pain that the servants of India should refuse to produce before this Assembly a document which is essential for a correct understanding of the question under discussion and which affects the happiness of millions of people in this country is unbearable. I submit this is scandalous. All that we ask is that the document or cablegram which the Government of India submitted to His Majesty's Secretary of State on the subject under discussion should be laid on the table of this House They have not the courage to lay it before this House I must therefore ask the House to assume . . . . .

Mr. President: Is the Honourable Member going to be long?

Pandit Madan Mohan Malaviya: Yes, Sir

The Assembly then adjourned till Eleven of the Clock on Friday the 28th March 1930

LEGISLATIVE ASSEMBLY DEBATES

FRIDAY, 28th MARCH, 1930

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LEGISLATIVE ASSEMBLY.

Friday, 28th March, 1930.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President in the Chair.

MEMBER SWORN.

Srijut Tarun Ram Phookun, M.L.A. (Assam Valley: Non-Muhammadan)

QUESTIONS AND ANSWERS

APPOINTMENT OF MR. HARRER TO THE PUBLIC WORKS DEPARTMENT, DELHI.

838 ***Mr. Abdul Latif Sahib Farookhi:** Will Government be pleased to state the reasons for taking Mr Harrer on deputation from the Indian Stores Department as Chief Superintendent of the Central Office, Public Works Department, Delhi? Had he any experience of Public Works Department work? When is the Delhi Public Works Department going to revert him to his substantive post in the Indian Stores Department?

The Honourable Sir Bhupendra Nath Mitra: Mr Harrer was selected for the appointment as he was considered to be suitable for the work to be done in it. He had no experience of Public Works Department work, but had experience in the administrative office of the Indian Stores Department No decision has yet been taken regarding his reversion to his substantive post

PAY AND ALLOWANCES OF OVERSEER POSTMEN.

839 ***Mr. Abdul Latif Sahib Farookhi:** (*a*) Will Government be pleased to state in how many circles in India and in which offices the system of delivery of insured articles by a special delivery staff of overseer postmen was introduced?

(*b*) What duty allowance was paid to them for the special duty prior to the last revision in each of the said offices?

(*c*) To what rank were these overseers raised when the duty allowance was disallowed under the said revision?

(*d*) Is it a fact that Madras was the second office where the above system of special delivery staff of overseers was introduced, and if so, was it on the lines on which it was introduced in the first instance?

(*e*) If it is so, will Government be pleased to state whether the overseers of special delivery staff at Rangoon were promoted to the grade of Rs. 70—4—110 or continued to be paid the duty allowance in the revision granted subsequent to the introduction of the system?

(*f*) Will Government be pleased to state whether the overseer postmen of special delivery staff at the Madras, General Post Office, were similarly raised to the grade of Rs. 40—5—90 in view of the disallowance of the duty allowance in the revision sanctioned in 1928?

(*g*) Will Government be pleased to state how the delivery of the insured articles of the value of above Rs 250 and up to Rs 3,000 was effected before the introduction of the new system?

(*h*) If it is a fact that such insured articles were delivered before by the selection grade sub-postmasters of the Madras City offices, *viz.*, G P O., Sow Carpet Flower Bazaar, High Court Buildings, Broadway, Mannaday are not the Overseers of the special delivery staff now doing the work done by the sub-postmasters?

(*i*) Do Government propose to treat the 12 overseers of the Madras City in the same way as the overseers of the said special delivery staff at Rangoon?

Mr. H. A. Sams: The information required by the Honourable Member is being collected and will be furnished to him in due course

PETITION TO THE VICEROY FROM PEASANTS AND MERCHANTS OF PISAGAN, AJMER.

840. ***Maulvi Muhammad Yakub:** (*a*) Is it a fact that a petition signed by more than 400 peasants and merchants of the Pisagan Istimarari area in the district of Ajmer has been presented to H E the Viceroy at Ajmer complaining against the enhancement of land-revenue, taxing of cattle and merchandise and ill-treatment by the Raja Sahib of Pisagan and Mr. P B. Joshi, Assistant Superintendent of Education in Ajmer-Merwara?

(*b*) Is it also a fact that the grievances stated in the above petition are of a fairly long standing?

(*c*) Is it a fact that the peasants and merchants of Pisagan made scores of applications to the district authorities on the subject and that for some reasons or others many of these applications were simply filed without any action being taken on them?

(*d*) If so, are Government prepared to consider the advisability of appointing some special officer to inquire into the nature and causes of those grievances of the peasants and merchants and redress them amicably and effectively?

(*e*) Are Government aware that a threat has been held out by the Raja Sahib of Pisagan and Mr. P B. Joshi, Assistant Superintendent of Education to the effect that, for the impertinence of making the said petition to H E the Viceroy, a score of leading men from amongst the signatories of that petition will be externed from their hearths and homes, and their lands and their properties will be confiscated? If so, how far does this threat bear any truth in it and have the district authorities of Ajmer any such proposals or idea put forth before them?

(*f*) Will Government be pleased to place the said petition of the peasants and merchants of Pisagan to H. E. the Viceroy on the table of

Sir Frank Noyce: With your permission, Sir, I shall deal with questions Nos 840 to 842 together The information is being obtained and will be supplied to the Honourable Member on receipt.

Maulvi Muhammad Yakub: Are Government aware that the Treasury Benches have made it a practice that, in order to evade giving answers to questions of Honourable Members, they say that the information is being collected and will be supplied to the Honourable Member in due course?

Mr. President: Order, order The Honourable Member is not entitled to attribute motives

ENHANCEMENT OF LAND REVENUE IN PISAGAN.

†841 ***Maulvi Muhammad Yakub:** (*a*) Is it a fact that, under the Ajmer Land Revenue Regulations and the Standing Orders of the Government, the Raja Sahib of Pisagan is not empowered to enhance the revenue beyond the limits specified by the Regulations, *viz* , Rs 4 per bigha for *chahi* and annas four per bigha for *barani* without the sanction of the Local Government, and that the Raja Sahib of Pisagan is charging in some cases Rs 10 per bigha for *chahi* and Re 1 per bigha for *barani* lands without having obtained the requisite sanction from the Local Government?

(*b*) Are Government aware that, in a Robkar issued by Colonel Dixon, and published in the Ajmer Regulations, M to P, the Governor General in Council has sanctioned the abolition of certain cesses in Ajmer-Merwara, and that the Governor General in Council has not withdrawn or cancelled that sanction which is still in force?

(*c*) Is it a fact that the Raja Sahib of Pisagan is compelling the raiyats (ryots) to pay him the cesses prohibited by the above Robkar and the pattas granted by him include the conditions as to payment of the said prohibited cesses?

(*d*) Will Government please state what cesses the Raja Sahib of Pisagan is recovering from his ryots?

ENHANCEMENT OF LAND REVENUE IN PISAGAN.

†842. ***Maulvi Muhammad Yakub:** (*a*) Will Government please state if the Raja Sahib, Pisagan, compels his ryots to pay a land revenue even over and above what is stipulated in the patta granted by him and that Gangaram, son of Hukma, holding patta No 281 for Samvats 1981 to 1985 and Madho, son of Rama, holding patta No 428 for Samvats 1982 to 1986 are instances of persons from whom the Raja Sahib has recovered revenue in excess of the terms of their pattas?

(*b*) Are Government aware that criminal proceedings were also instituted on behalf of the Raja Sahib against the ryots to enforce land-revenue and this attempt of the Raja Sahib was only checked by the order of the Additional District Magistrate, dated the 5th September, 1929, in criminal proceedings under section 144 C. P C. and the order of the Judicial Commissioner, dated the 23rd January, 1930 in criminal revision No. 42 of 1929?

†For answer to this question, see answer to question No 840.

INTERVENTION OF MR. P B. JOSHI, ASSISTANT SUPERINTENDENT OF EDUCATION, AJMER-MERWARA, IN THE LAND REVENUE DISPUTES OF THE RAJA SAHIB OF PISAGAN

843. *Maulvi Muhammad Yakub: (*a*) Is it a fact that the son of the Raja Sahib of Pisagan has been a ward of Mr P. B Joshi, Assistant Superintendent of Education, who acted both as the boy's guardian and private tutor? If so, is this conduct of Mr. P B. Joshi against the rules of Education Department?

(*b*) Is it a fact that Mr P B. Joshi, A S E , in Ajmer-Merwara frequently visits Pisagan and stays with the said Raja Sahib of Pisagan?

(*c*) Will Government please state for how many visits to Pisagan, or tours including visits to Pisagan in the official capacity, has Mr Joshi charged travelling allowances from the Government during the last three years, *i.e.*, 1927, 1928 and 1929?

(*d*) Will Government please state how many inspection notes does the inspection note-book of the Pisagan primary and middle (secondary) schools contain in the hand-writing of Mr P B Joshi during the last three years, *i.e.*, 1927, 1928 and 1929?

(*e*) Are Government aware of the complaint of the peasants and merchants of Pisagan about Mr P B Joshi's interference on behalf of the Raja Sahib in the land-revenue disputes and harassing and ill-treating them, and do Government propose to take steps in order to prevent this officer of the Education Department from interfering with such matters?

Sir Frank Noyce: The information asked for is being collected and will be supplied to the Honourable Member in due course

Maulvi Muhammad Yakub: Will the Honourable Member place the information on the table of the House so that it may come on the records of the Assembly Debates?

Sir Frank Noyce: I hardly think, Sir, that the information in regard to such a personal matter is of sufficient importance to lay on the table of the House

Maulvi Muhammad Yakub: Are Government aware that the object of the Honourable Members of putting questions on the floor of the House is frustrated if the answers do not appear on the records of the Assembly? What action, if any, do Government propose to take in this matter?

The Honourable Sir Bhupendra Nath Mitra: It does not necessarily follow that the Honourable Member's right is in any way interfered with. The Honourable Member has asked for certain information and that information will be supplied to him. According to the practice that has been established, a copy of the answer will also be placed in the Library of the House, so that any other Member who is interested in the matter will have access to the information To the best of my knowledge this very practice is not unusual in the House of Commons

Maulvi Muhammad Yakub: Are Government aware that the information that is sought for by the Members on the floor of the House is not for their personal use, but the questions relate to questions of public importance and the public in general is interested in the answers which the Government Members give on the floor of the House?

The Honourable Sir Bhupendra Nath Mitra: That, Sir, is a matter of opinion.

Maulvi Muhammad Yakub: Does it follow, then, that Government do not take any heed of the opinion of the Honourable Members in this House?

The Honourable Sir Bhupendra Nath Mitra: As the Honourable the President said on a previous occasion, if there is any general feeling in the House on the subject, the House has other means of giving expression to that feeling

Maulvi Muhammad Yakub: Are Government prepared to follow the dictum of the Honourable the President on all occasions and in respect to all questions?

The Honourable Sir Bhupendra Nath Mitra: Sir, I prefer not to answer that question

RECRUITMENT FROM THE PROVINCES FOR SERVICES UNDER THE CENTRAL GOVERNMENT

844. ***Mr. Gaya Prasad Singh:** (*a*) With reference to the reply given to starred question No 556 on the 12th March, 1930, have Government taken into consideration the claims of all Provinces for recruitment for services under the Central Government, under the terms of the Resolution passed by the Assembly on the 10th March, 1923, in which it is stated that "claims of all communities, and Provinces" are to be considered?

(*b*) If so, will Government kindly state the number of Biharees and Oriyas employed in the different Departments of the Government of India in 1924, and now?

Mr. C. W. Gwynne: (*a*) and (*b*) Recruitment to the all-India Services and to the Departments of the Government of India is now made by means of competitive examinations held by the Public Service Commission, which are open to candidates from all provinces No special measures have been taken to secure provincial representation (except as regards Burma) in the all-India Services, or in the services under the Central Government.

Mr. Gaya Prasad Singh: Is it not a fact that, in answer to question No 556 on the 12th March, the Honourable the Home Member replied that effect had been given to the Resolution which was quoted in that connection? May I know in what way effect has been given to the Resolution, so far as the representation of provinces on the public services under the Government is concerned?

Mr. C. W. Gwynne: I do not think that the Government of India have even accepted the principle that provinces should receive special and proportionate representation. They have agreed to the principle that the various communities should have due representation

Mr. Gaya Prasad Singh: May I take it, then, that the Honourable Member repudiates the answer that was formerly given by the Home Member on the 12th March?

Mr. G. W. Gwynne: No, Sir.

Mr. B. Das: May I suggest to the Honourable Member that, in the case of a province like Bihar and Orissa, which is not represented in the Secretariat of the Government of India, the Government of India may ask the Provincial Government to recruit a certain number of men on their behalf, or they may ask the Local Government to hold examinations on their behalf in Patna?

Mr. G. W. Gwynne: The Honourable Member is I think making a suggestion. In any case I must ask for notice of that question.

EXAMINATION FOR THE GOVERNMENT OF INDIA SECRETARIAT AND ATTACHED OFFICES.

845. ***Mr. Abdul Latif Sahib Farookhi** (on behalf of Maulvi Sayyid Murtuza Saheb Bahadur) (*a*) Will Government please state the nature of the examination held in November last for the staff of the Government of India Secretariat and its Attached Offices?

(*b*) What is the total number of successful candidates in the 1st and 2nd Divisions, separately?

(*c*) What are their academical qualifications or other educational attainments?

(*d*) How many of the candidates failed and what are their academical qualifications?

(*e*) How many of the successful candidates are Muslims?

Mr. G. W. Gwynne: (*a*) The examination was a qualifying one for departmental candidates.

(*b*) 17 and 29

(*c*) and (*d*) The total number of candidates who appeared is 461. I am not in possession of information as to the educational qualifications of the candidates who sat for the examination

(*e*) 14.

APPOINTMENT OF MUSLIMS TO THE OFFICE OF THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH.

846 ***Mr. Abdul Latif Sahib Farookhi** (on behalf of Maulvi Sayyid Murtuza Saheb Bahadur): (*a*) Will Government please state the total strength of the superior establishment of the office of the Imperial Council of Agricultural Research?

(*b*) How many of these are Muslims?

(*c*) Have Government considered the desirability of taking a larger number of Muslims when the question of further recruitment of the staff for the office of the said Council comes up, in order to increase the representation of Muslims?

Sir Frank Noyce: (*a*) 18.

(*b*) 5

(*c*) The figures I have mentioned, show that Muslims are already adequately represented on the staff of the Council.

APPOINTMENT OF MUSLIMS IN THE COMMERCE AND FINANCE DEPARTMENTS.

847. *Mr. Abdul Latif Sahib Farookhi (on behalf of Maulvi Sayyid Murtuza Saheb Bahadur) (*a*) Will Government please state the total number of (1) Superintendents, (2) Assistants, (3) second division clerks, and (4) third division clerks on the permanent establishment of the Commerce and the Finance Departments of the Government of India Secretariat?

(*b*) How many of them are Muslims in each of the above grades?

The Honourable Sir George Rainy: (*a*) and (*b*) A statement is laid on the table.

Statement showing the number of Muslims in the permanent establishments of the Commerce and the Finance Departments

	Commerce Department.		Finance Department.	
	Total No	No. of Muslims	Total No.	No. of Muslims.
(1) Superintendents . . .	3	..	6	1
(2) Assistants . .	18	2	33	5
(3) Second Division clerks	22	4	35	4
(4) Third Division clerks .	4	2	8	4

PROPORTION OF MUSLIMS RECRUITED FOR GOVERNMENT OFFICES.

848 *Mr. Abdul Latif Sahib Farookhi (on behalf of Maulvi Sayyid Murtuza Saheb Bahadur): What steps, if any, have Government taken to secure larger proportion of Muslims since the orders to remove communal inequalities were promulgated in 1926?

Mr. C. W. Gwynne: Annual returns have been prescribed which enable the progress made to be watched and instructions to be issued in cases where they appear to be called for

APPOINTMENT OF MUSLIMS ON THE MILITARY TEST AUDIT DEPARTMENT.

849. *Mr. Abdul Latif Sahib Farookhi (on behalf of Maulvi Sayyid Murtuza Saheb Bahadur) (*a*) Will Government please state the number of appointments of Assistant Accounts Officers, Subordinate Accounts Service Accountants and clerks in the Military Test Audit Department and the number of Muslims employed in each grade?

(*b*) Is it a fact that not a single Muslim is employed in Headquarter office of the Director of Army Audit?

(*c*) Will Government please state whether any attempt was ever made by the Director of Army Audit to secure the services of qualified S. A. S. passed Muslims from the Military Accounts Department?

(*d*) Will Government please state whether it is a fact that the Military Test Audit Department was formed after the issue of the Home Department

Memo. of July, 1925, regarding the representation of minorities in the services? Is it a fact that these instructions have been ignored in this Department?

The Honourable Sir George Schuster: (*a*) (i) Assistant Audit Officers, four, of whom one is a Muslim

(ii) Accountants in the Subordinate Accounts Service, 30; no Muslim.

No Muslim has qualified as yet for promotion to the Subordinate Accounts Service

(iii) Clerks, 81, of whom 6 are Muslims Two other posts were offered to two Muslim candidates The offers were refused.

(iv) Typists, 5, no Muslim An offer made to a Muslim candidate was refused

(*b*) Yes.

(*c*) The recognised practice is not to recruit accountants and auditors for this Department from the Military Accounts Department, and this practice is one which it is desirable to continue

In 1926 when qualified clerks were not available in the Department for promotion to fill a vacancy in the Subordinate Accounts Service, the Military Accountant General was requested to recommend a clerk of the Military Accounts Department, who had passed the Subordinate Accounts Service Examination (Military), obtaining 60 per cent of the total marks in the aggregate, for the post of an Accountant in this Department

A Sikh was recommended and employed.

(*d*) The Military Test Audit Department came into existence on the 1st March, 1925, before the issue of the Home Department Memorandum No F./176/25-Ests., dated the 5th February, 1926, or before any other instructions issued regarding the representation of minorities in Government service In filling up vacancies, the instructions have in the recent past not been ignored

Mr. Anwar-ul-Azim: Will the Honourable Member kindly tell us how promotions to the Subordinate Accounts Service are given effect to?

The Honourable Sir George Schuster: I am afraid I am not quite clear about the purport of the question

Mr. Anwar-ul-Azim: The purport is this The Honourable Member just now said that promotions to the Subordinate Accounts Service are made on a certain basis. What is that basis?

The Honourable Sir George Schuster: I am afraid I cannot give the Honourable Member any further details now. But if he will tell me exactly what he wants, I would like to take an opportunity to inquire into the question and give him detailed information

Dr. A. Suhrawardy: The Honourable Member has just now said that several appointments were offered to Muslim candidates but were refused Will the Honourable Member please state the reasons of such refusal if he is aware of them

The Honourable Sir George Schuster: I have not had time personally to inquire into this question at the present moment. But I have already stated in this House that I propose to take up this question as soon as the Session is over, and I agree with the Honourable Member, who has just put the supplementary question, that when we are told that a post

was offered and refused, I personally want to know exactly what happened and why it was. I want to go into all these cases and conduct a detailed examination.

APPOINTMENT OF MUSLIMS IN THE MILITARY ACCOUNTS DEPARTMENT.

850 *Mr. Abdul Latif Sahib Farookhi (on behalf of Maulvi Sayyid Murtuza Saheb Bahadur). (*a*) Will Government please state the number of appointments of S A S (gazetted) Accountants and clerks in the Military Accounts Department? What number of these appointments is held by Hindus, Europeans, Anglo-Indians and Muslims, respectively, in each grade?

(*b*) Will Government please state whether they have considered or propose to consider the desirability of changing the present system of promotion with a view to secure effective representation of minorities in the higher grades of the services in the Military Accounts Department?

The Honourable Sir George Schuster: (*a*) A statement is placed on the table

(*b*) The promotions to the subordinate Gazetted and Subordinate Accounts Services, to which, I presume, the Honourable Member refers, are regulated by considerations of seniority and merit. With a view both to efficiency in the service and justice to individuals these must continue to be the main considerations

Statement showing the authorised number of appointments of Deputy Assistant Controllers, Accountants and clerks in the Military Accounts Department and the number held by members of different communities on 31st December, 1929

Grade.	Number sanctioned.	Number of appointments held by members of the various communities.				Remarks.
		Hindus.	Muslims	Europeans and Anglo-Indians (*a*).	Other communities.	
Deputy Assistant Controllers (Gazetted).	90	54	3	20	13	(*a*) Information in respect of Europeans and Anglo-Indians has not been furnished separately, as it is not available.
Accountants .	467	383	23	32	29	
Clerks . .	3,736 (*b*)	3,019	316	32	353	(*b*) 16 permanent appointments were vacant on 31st December, 1929.

REQUISITION OF VILLAGERS TO GUARD THE RAILWAY LINE.

851. *Pandit Thakur Das Bhargava: (a) Is it a fact that the Manager of Tyajabhumi sent a telegram to the Secretary to His Excellency the Viceroy representing that peasants from villages were forced to guard the railway line for 12 hours in *begar* while His Excellency's special train passed that way in August last?

(b) Was a letter sent by one Mr Vaijnath Mahodya, Manager of Tyajabhumi, to the Commissioner, Rajputana and Merwara on the 5th August 1929 complaining of *begar* being taken on the night of the 4th August 1929 from the inhabitants of Hatundi (Ajmer) for guarding the railway line for 12 hours?

(c) Were copies of the statements of the peasants together with a copy of the telegram referred to above also sent along with the letter?

(d) Was any reply given by the Commissioner to that letter, and if so, what?

(e) Were any inquiries made in this connection? If so, with what result?

Mr. H. B. Howell: (a) Government have no information.

(b) and (c) A letter was received from one Narsidar, who described himself as Manager of Tyajabhumi. No copies of any statements were enclosed, but a copy of a telegram was sent.

(d) and (e) No reply was given by the Commissioner. The matter was under the consideration of the Government of India about that time and they issued orders in October last, directing that reasonable payment should be made for all labour employed to guard railways during Viceregal tours Effect has since been given to these orders

DELAY OF A PASSENGER TRAIN AT REWARI.

852. *Pandit Thakur Das Bhargava: (a) Is it a fact that on the occasion of the recent tour of His Excellency the Viceroy from Delhi to Ajmer the passenger train starting from Delhi at about 5 P M and reaching Rewari at about 8 P.M. was held up for about 3 hours in the yard at Rewari?

(b) Were the windows of the carriages on both sides closed, and the passengers within the compartments not allowed to leave who had to go without food and drink?

Mr. A. A. L. Parsons: Government have received no information to this effect, but a copy of the question is being sent to the Agent of the Bombay, Baroda and Central India Railway, and I will communicate with the Honourable Member later.

PAYMENT TO VILLAGERS FOR GUARDING THE RAILWAY LINE.

853. *Pandit Thakur Das Bhargava: (a) Is it a fact that eight annas per head was paid to men who were made to stand and guard the line from Delhi to Ajmer on the occasion of the recent tour of His Excellency the Viceroy?

(*b*) What amount of money was spent in connection with this tour and how much out of the same was paid to persons who guarded the line?

(*c*) Under what head has the amount so paid been charged?

Mr. C. W. Gwynne: (*a*) Instructions were issued last October that all labour employed in connection with Viceregal tours should be paid at reasonable rates I am not aware at what rates the men referred to (if employed) were paid but am making inquiries and will communicate the result to the Honourable Member in due course

(*b*) and (*c*) The expenditure on account of persons employed to guard the line would not be met out of the Tour Expenditure of His Excellency but from heads controlled by the Chief Commissioners of Delhi and Ajmer-Merwara and in provinces from provincial budget heads I am ascertaining the exact heads to which the cost has been debited in Delhi and Ajmer-Merwara.

NON-MUSLIM CLERKS APPOINTED IN THE NORTH WEST FRONTIER PROVINCE.

854 ***Mr. Anwar-ul-Azim:** 1 With reference to the reply given by Government to questions Nos 453 and 454 asked by Mr. Muhammad Ismail Khan on the 12th September, 1929, will Government be pleased to state if·

(*a*) the following statement shows correctly the number of clerical appointments which the non-Muslims and non-residents have monopolized in the North West Frontier Province:

Name of Office or District	Total strength of establishment.	Number of Muslims.
Chief Commissioner's Office	48	20
Judicial Commissioner's Office . .	16	7
Revenue Commissioner's Office ..	37	13
Irrigation Secretary's Office	162	87
Peshawar Municipal Office	12	2
Forest Department	28	6
Hazara District	59	20
Bannu District	70	15

(*b*) higher paid clerical appointments in the clerical service in that Province numbering 84 have almost all been monopolized by the non-Muslims and non-residents; and

(*c*) the masses of unemployed educated Muslims of Peshawar submitted a representation to the Honourable the Chief Commissioner, North West Frontier Province, through the Muslim Association, Peshawar, on the 16th August, 1925, requesting the discontinuance of recruitment of non-Muslims and non-residents in clerical establishments in the Province?

2. If answers to the above questions be in the affirmative, will Government be pleased to state what action was taken by the Local Administration in the matter?

Mr. E. B. Howell: 1 (*a*) and (*b*). The statements are being verified and the result will be communicated to the Honourable Member in due course.

(*c*) Certain Muslims presented a petition on the subject through the Muslim Association, Peshawar, on the 18th August, 1925

2 The object of the Local Administration has been to adjust the proportion of clerical appointments between the communities with due regard to the claims of the majority community, educational qualifications, and efficiency.

Mr. Anwar-ul-Azim: Will the Honourable Member kindly tell us, for the purpose of recruitment, which are the majority and which are the minority communities in the North-West Frontier Province?

Mr. E. B. Howell: I am not quite clear as to what the Honourable Member means.

Mr. Anwar-ul-Azim: Will the Honourable Member kindly tell us what the idea of Government is as regards the majority and minority communities, so far as recruitment to this Department is concerned in the North West Frontier Province?

Mr. E. B. Howell: If the Honourable Member means, which is the majority community on the basis of population, it is a matter of common knowledge that Mussalmans are in a very large majority in the North West Frontier Province

APPOINTMENT OF NON-MUSLIMS IN THE NORTH WEST FRONTIER PROVINCE.

855 ***Mr. Anwar-ul-Azim:** 1 Are Government aware that communal representation in Government service had been fixed by the following Local Governments·

(*a*) the Government of Bombay Presidency, *vide* their Standing Order No P -84, dated the 19th February, 1925, requiring the recruitment of 50 per cent. Muslims in Sind, etc ;

(*b*) the Punjab Government, *vide* their Standing Orders requiring recruitment of no less than 80 per cent Muslims in the ministerial appointments in the Punjab and not more than 70 per cent. by any one class in that Province; and

(*c*) the Madras Government, *vide* the Revenue Board Standing Order No 128 (2), G. O No. 618, dated the 16th September, 1921, G. O. No. 658, dated the 15th August, 1922 and No 563, dated the 21st July, 1928, fixing distribution of appointments among several castes?

2 If the answers to part 1 be in the affirmative, will Government be pleased to state what special reasons necessitated departure so far adopted by the North West Frontier Province from the policy followed by other Local Governments?

3. Will Government be pleased to state if the recruitment of Muslims is being made at present in all civil offices in that Province on any authorised principle or is it left to the discretion of the heads of Departments?

4. (*a*) Will Government be pleased to state if it is a fact that the Honourable the Chief Commissioner, North West Frontier Province fixed a few years ago, 33 per cent recruitment of non-Muslims in the Police Department of the Province?

(*b*) If so, will Government be pleased to state the special reasons which necessitated the fixation of this percentage and the principle on which it was based?

Mr. E. B. Howell: 1 The Major Local Governments have power to regulate such matters in regard to services under their control and some of them have issued instructions on the subject No precise information is however readily available as to the nature of those instructions or the local considerations on which they are based

2 There has hitherto been no jointly concerted policy for the whole of India from which the North-West Frontier Province could be said to have departed.

3 No precise proportion has been fixed, but every consideration is paid to the claims of educated Muhammadans

4 (*a*) No, Sir.

(*b*) Does not arise.

COMPOSITION OF THE MUNICIPAL COMMITTEE OF PESHAWAR CITY.

856 ***Mr. Anwar-ul-Azim:** (*a*) Will Government be pleased to state whether the following elected and nominated seats have lately been allotted to the Members of the Municipal Committee of Peshawar City on a population basis·

Elected

(i) Muslims	.. .. ..	5
(ii) Hindus	.. .. ..	2
(iii) Sikhs	.. .. ..	1
Nominated.		
(*a*) Muslims	.. .. ..	3
(*b*) Hindus	.. .. ..	2
(*c*) Sikhs	.. .. ..	2
	Total ..	15

Total Composition.

Muslims	..	8
Hindus	..	4
Sikhs	..	3
Total	..	15

(*b*) If answer to part (*a*) be in the affirmative, will Government be pleased to state on what consideration the above seats have been assigned in both cases?

Sir Frank Noyce: (*a*) and (*b*) The present composition of the Municipal Committee of Peshawar is as follows:

Elected.			
(*a*) Muslims	..	..	5
(*b*) Hindus	..	..	2
(*c*) Sikhs	.	..	1
Nominated.			
(*a*) Muslims	..	..	4
(*b*) Hindus	..	..	3
(*c*) Sikhs	.	..	1
	Total	..	16

Total Composition		
Muslims	..	9
Hindus	..	5
Sikhs	..	2
Total	..	16

In assigning seats to the different communities, account has been taken not only of population but also of voting strength and taxable capacity.

PREPONDERANCE OF ONE COMMUNITY IN CERTAIN SERVICES

857 ***Mr. Anwar-ul-Azim:** Will Government be pleased to state how they reconcile the difference in the policies adopted by

(*a*) the Local Governments in India,

(*b*) the Railway Administration in India,

(*c*) the Posts and Telegraph Departments in India, and

(*d*) the subordinate Military Departments in India,

and definitely state whether any, and if so, what, practical steps have been ordered by Government of India to be taken by the Departments concerned to prevent the existing enormous preponderance of members of one class or community in Government service specially in the provinces in which a community is a majority one, and has not so far been successful to secure its due share in provincial, civil, military, postal, and other services, as is the case at present in the North West Frontier Province?

Mr. C. W. Gwynne: (*a*) The major Local Governments have power to regulate such matters in regard to services under their control, and some of them have issued instructions on the subject But I have no precise and recent information as to the nature of such instructions or the considerations on which they are based.

(*b*), (*c*) and (*d*). The Honourable Member no doubt has in mind services under the Government of India and locally recruited. I am not aware that the assumption of fact contained in his question is correct. But I may inform him in regard to these services that the operation of the general orders for the prevention of the preponderance of any one class or community is under examination.

APPOINTMENT OF MUSLIMS IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

858. *Mr. Anwar-ul-Azim: (a) Will Government be pleased to state:

(i) the present number of Assistant Directors General (acting and permanent hands to be shown separately) working in the Office of the Director General of Posts and Telegraphs in India; and

(ii) the number of Hindus and Muslims holding the twenty selection grade appointments ranging in pays from Rs 800 to 750 in the same office?

(b) In case the Muslims are under-represented in the service or are conspicuous by their total absence, will Government be pleased to state what measures they propose to adopt to increase the representation of the Muslim community?

The Honourable Sir Bhupendra Nath Mitra: (a) (i). Of the seven appointments of Assistant Directors General, three are at present held by permanent officers and four by officiating officers.

(ii) The number of selection grade appointments in the office of the Director General, Posts and Telegraphs, with pay ranging between Rs. 800 and Rs 750 is 18 One of these appointments is vacant at present 16 of these are held by Hindus and none by Muslims

(d) The appointments of Assistant Director General are made by selection The permanent appointments being made on the recommendation of the Public Service Commission Last year an acting appointment was given to a Mussalman Superintendent of Post Office who had obtained the requisite seniority, but he was found by the Director General to be wholly unsuited for the work As regards the other appointments, they are filled by promotion of qualified officials in the lower ranks irrespective of the communities to which they may belong As has been frequently stated, *promotion* from a lower to a higher grade in the Department or in any other branch of public service is determined by seniority and efficiency. The due representation of minority communities is secured by the reservation of vacancies occurring in such posts as are filled by direct recruitment.

Nawab Sir Sahibzada Abdul Qaiyum: When appointments are made, are the recommendations of the Public Service Commission fully followed or has the officer in charge of making appointments the right to exercise his discretion in selecting men from among those recommended by the Public Service Commission?

The Honourable Sir Bhupendra Nath Mitra: If my Honourable friend is referring to promotions made on the recommendation of the Public Service Commission, then I may tell him that the recommendation of the Commission is strictly followed, and the head of the Department has no option in any way to modify or depart from the recommendation of the Commission In regard to recruitment for posts which are filled by direct recruitment on the advice of the Public Service Commission, the head of the Department, in the case of Probationary Superintendents of Post Offices, has certain discretion But, in exercising that discretion, he has to follow the standard orders of the Government of India which lay down that one-third of the vacancies must be reserved for the adjustment of communal inequalities To be more

precise, if in any year there are (say) six vacancies, then the Director General is bound to take, in two of the vacancies, two members of the minority communities from the list sent up by the Public Service Commission

Nawab Sir Sahibzada Abdul Qaiyum: In the case of promotions from the lower grades to the higher grades, is a list of suitable candidates prepared by the Department and sent to the Public Service Commission to give their opinion about the fitness of these candidates, or do applications for promotion go direct to the Public Service Commission from these officials seeking promotion? That is to say, do all applications from aspirants to promotion go direct to the Public Service Commission, or does the Department send on all or only a few of the applications to the Public Service Commission from junior men aspiring to the higher grades, for the verification of their fitness for promotion?

The Honourable Sir Bhupendra Nath Mitra: What happens is this, and I think I can explain the practice in regard to the Indian Posts and Telegraphs Department more precisely The Director General sends up to the Public Service Commission the names of a certain number of officials who have attained the requisite seniority, and with these names he sends up a confidential record of each one of these officers The Public Service Commission then selects officers for promotion and puts them in a certain order of precedence

Nawab Sir Sahibzada Abdul Qaiyum: What is the test which is applied by the Public Service Commission for giving preference to one candidate over the other or for putting them all in order of merit? Do the Public Service Commission form their opinion on the record or official reports submitted to them by the Department, with the remarks, good or bad, noted against each name, or have they got some other means or criterion to judge the merits or demerits of these candidates?

The Honourable Sir Bhupendra Nath Mitra: It is not possible for me to explain to my Honourable friend precisely how the Public Service Commission form their conclusions in the matter But I should think that they pay due consideration to the confidential records of these officials in regard to the manner in which they have discharged their duties in the past

Nawab Sir Sahibzada Abdul Qaiyum: I shall try to put my question a little more clearly this time My meaning is this There are people serving in the Department, whose work is reported upon by their seniors confidentially, and there is the fact that, in this service the number of minority communities is not up to the mark If a list is sent from the Department to the Public Service Commission for a report, it may not contain very many names of the minority community people serving in that Department; and the second thing is that, if it rests with the Department to send selected names according to their will and wish to the Public Service Commisssion, there is the possibility that the Department may not send up the names of any suitable candidates belonging to the minority community. Moreover it looks useless to send names to the Public Service Commission, of candidates whose fitness or otherwise is better known to the Department than to the Commission.

The Honourable Sir Bhupendra Nath Mitra: I shall be equally frank with my Honourable friend, Sir Abdul Qaiyum, and my remarks have a special bearing on the Indian Postal and Telegraph Department. In the first place I think he said that among senior officers, i.e., those holding posts

of (or corresponding to) Superintendents of Post Offices, from among whom promotion takes place, there is a lack of adequate representation of minority communities. If by minority communities he means minority communities as a whole, he is under a misapprehension, and I would ask him to study the published list of officers of the Indian Postal and Telegraph Department. He will find there that, as a matter of fact, it is the minority communities, speaking as a whole, which are in preponderance In the next place, the names of all the senior officers are sent up to the Public Service Commission, and with the name of each officer is sent up his past record Therefore it is not correct to say that the names of particular officers may not be sent up to the Public Service Commission

Nawab Sir Sahibzada Abdul Qaiyum: What is the object in sending such names to the Public Service Commission? What other facilities have they got to judge the merits or demerits of these candidates?

The Honourable Sir Bhupendra Nath Mitra: I was coming to that. Then the Public Service Commission is supplied with the confidential record of each of these officers, and this confidential record represents the views expressed on the officer's work, not by members of any particular community, but mostly by Englishmen, who have, up till recently, held the highest posts in the Department, like Directors General or Post Masters General

Nawab Sir Sahibzada Abdul Qaiyum: Then why cannot they be trusted with the selection of their candidates when they are in a better position to judge of the merits and demerits of their subordinates

The Honourable Sir Bhupendra Nath Mitra: I did not catch the point of my Honourable friend's interjection I was simply explaining to him the practice which is followed Perhaps it might be possible to hold examinations, in which case the position might be much worse

Offences committed in the Peshawar District Jail

859 ***Mr. Anwar-ul-Azim:** (*a*) Will Government please place on the table a statement showing the cases of riots in which razors had been used by the convicts, poisoning of convicts at the instance of their enemies, and other serious offences committed in the Peshawar District Jail during the past three years and state on whom lies the responsibility of lack of supervision which brought about the introduction of razors and poison inside the Jail making the lives of convicts insecure?

(*b*) Will Government please state briefly the circumstances of each case as elicited in judicial inquiries and the result?

(*c*) Will Government please state whether, any and if so, what punishment has been awarded to the officers and staff of the Jail for disregard of strict orders contained in the Jail Manual on the subject in the cases mentioned in part (*a*) above?

***Mr. C. W. Gwynne:** Information was called for last year in response to a question by an Honourable Member No riot occurred in the Peshawar Central Jail during the five years prior to January, 1929 Two cases of poisoning occurred during the period in question, in neither of which was the poisoning administered by a convict In one there was no evidence against the Jail staff in the other a Warder received three months imprisonment I am making enquiries from the Chief Commissioner as to whether any such incidents have occurred during the last year, and will inform the Honourable Member in due course

precise, if in any year there are (say) six vacancies, then the Director General is bound to take, in two of the vacancies, two members of the minority communities from the list sent up by the Public Service Commission

Nawab Sir Sahibzada Abdul Qaiyum: In the case of promotions from the lower grades to the higher grades, is a list of suitable candidates prepared by the Department and sent to the Public Service Commission to give their opinion about the fitness of these candidates, or do applications for promotion go direct to the Public Service Commission from these officials seeking promotion? That is to say, do all applications from aspirants to promotion go direct to the Public Service Commission, or does the Department send on all or only a few of the applications to the Public Service Commission from junior men aspiring to the higher grades, for the verification of their fitness for promotion?

The Honourable Sir Bhupendra Nath Mitra: What happens is this, and I think I can explain the practice in regard to the Indian Posts and Telegraphs Department more precisely The Director General sends up to the Public Service Commission the names of a certain number of officials who have attained the requisite seniority, and with these names he sends up a confidential record of each one of these officers The Public Service Commission then selects officers for promotion and puts them in a certain order of precedence

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The Honourable Sir Bhupendra Nath Mitra: I shall be equally frank with my Honourable friend, Sir Abdul Qaiyum, and my remarks have a special bearing on the Indian Postal and Telegraph Department. In the first place I think he said that among senior officers, i.e., those holding posts

practice of submitting daily reports of the daily work done in the Medal Section has been in force since 1920 and is not the Medal Section part and parcel of the Army Department Secretariat? If the reply is in the affirmative, will Government please state the circumstances under which an incorrect reply has been given to this House to the effect that no clerk is required to submit daily report? Do Government propose to take some action against the clerk who is responsible for this?

Mr. G. M. Young: I am told that it is the practice in the Medal Section for clerks to note at the end of the day, on a slip of paper, the number of cases with which they have dealt during the day, and the number still with them There is no order requiring them to do this, nor are other clerks of the Army Department required to submit daily reports of any kind In his previous question the Honourable Member inquired whether Mr N C Dass submitted a report of his daily work as required in the case of other men of the Department Mr N C Dass was not a clerk of the Medal Section The question, if I may say so, was therefore misleading, but the answer given by my predecessor was substantially correct

ASSISTANCE OF MINT EMPLOYEES BY MR N C DASS

863 ***Maulvi Muhammad Yakub:** With reference to my starred question No 892 (*d*) asked in the September Session, 1929, will Government please state whether the men employed in the Mint for inscribing the names of the recipients on the medals were all illiterate and none of them could read the typewritten names, numbers, designations, regiments, etc , on the rolls and they therefore required the continued assistance of Mr N C Dass for reading them the necessary details or whether Mr N C Dass used to point out to them, on the spot, which roll was to be attended first? If the reply is in the affirmative, will Government please state if the Punching Contractor, before the transfer of the punching work to the Mint, also utilised the services of Mr N C Dass, and if so, what private remuneration he received from him? If Mr Dass did not help the Punching Contractor, what was the special reason for which the punching work in the Mint could not be done in the Mint?

Mr. G. M. Young: With your permission, Sir, I will answer questions Nos 863, 864, and 865, together

Government do not accept any of the inferences drawn in these questions The facts are that the men who were employed on the work of punching medals at the Mint were mechanics, and though they could read words and figures sufficiently well to inscribe them on the medals, were not capable, without supervision, of making the necessary abbreviations Mr N. C. Dass, a clerk of the Army Department Records Office in Calcutta, used accordingly to go over to the Mint and give the mechanics the requisite assistance For this work he was granted an honorarium of Rs 500. If we had employed as punchers men with sufficient knowledge of army nomenclature to carry out the transcriptions without help, it would have cost us a great deal more than Rs 500, and would have been a real waste of Government funds The number of medals inscribed was well over two millions In the earlier stage, the work was performed by a contractor in the office of the Medal Section itself, and there was then of course no need to utilize the services of Mr. N. C Dass

ASSISTANCE OF MINT EMPLOYEES BY MR N C. DASS.

†864 ***Maulvi Muhammad Yakub:** Will Government please state the circumstances under which the Mint Master engaged inefficient punching men who required the continued assistance of Mr N C Dass and afterwards the award of an honorarium of Rs 500? Will they kindly obtain the explanation of the Mint Master for this loss of Government and place it on the table of this House?

ASSISTANCE OF MINT EMPLOYEES BY MR N C DASS

†865 ***Maulvi Muhammad Yakub:** Will Government please state if the laborious work which Mr N C Dass did was to point out to the punching men the details which were to be inscribed on the medals? If the reply is in the negative, will they kindly furnish the full particulars of the work done by him, and for which he was paid Rs. 500 as honorarium?

TEMPORARY SERVICE OF CERTAIN CLERKS IN THE COMMERCE DEPARTMENT.

866. ***Maulvi Muhammad Yakub:** Is it a fact that five temporary clerks of over four years' service in the Commerce Department were granted gratuity and leave admissible to them concurrently with the period of notice? If the reply is in the affirmative, will Government please furnish details of their temporary service?

The Honourable Sir George Rainy: Leave was granted to 5 temporary clerks, who were retrenched from the Commerce Department in 1923, in connection with the general reduction of the Secretariat establishments following upon the recommendations of the Indian Retrenchment Committee No gratuity was paid to them Their length of service varied from 4 years and 8 months to 7 years and 3 months

EMPLOYMENT OF *ex*-SOLDIERS

867 ***Maulvi Muhammad Yakub:** Is it a fact that, in his letter No 17840-Home Military, dated the 27th June, 1927, and the Governor in Council order issued therewith, the Home Secretary to the Government of the Punjab stated that the Governor in Council was not satisfied that everything possible to accord preferential treatment in the matter of civil employments to *ex*-soldiers and others who served during the Great War, has been done, and invited the special attention of the heads of the Departments to the necessity for fresh efforts to secure civil employments for them? If the reply is in the affirmative, will Government please state whether they issued similar instructions to the heads of the Departments? If not, why not, and are they prepared to do it now? Are Government aware that many *ex*-service men are in a destitute condition, and although they possess the requisite qualifications of the various posts, do not get treatment equal to that given to the civilian candidates?

Mr. C. W. Gwynne: The reply to the first part of the Honourable Member's question is in the affirmative I am not aware that any representations have been made as regards special difficulties experienced by *ex*-soldiers in other provinces in obtaining employment, but the Indian Soldiers' Board

†For answer to this question, *see* answer to question No 863.

receives and deals with a certain number of applications from other parts of India for assistance in this respect In reply to question No 279, asked by Mr Rajah on the 11th February, the Honourable Member is referred to the instructions in the matter which have been issued to Departments of the Government of India No other instructions have so far been issued, but I am prepared to examine the question further

EMPLOYMENT OF TEMPORARY MEN IN THE GOVERNMENT OF INDIA SECRETARIAT

868 *Maulvi Muhammad Yakub: Is there any rule under which Government can entertain and keep on temporary men in the Secretariat for an indefinite period?

Mr. C. W. Gwynne: There are no rules on the subject, but the Government of India have recently laid it down that the multiplication of temporary appointments should be avoided as far as possible.

OFFICER IN CHARGE OF THE MEDAL SECTION, ARMY DEPARTMENT

869. *Maulvi Muhammad Yakub: (*a*) Is it a fact that the Medal Section practically consists of one assistant and seven clerks and is placed under an officer of an Assistant Secretary's grade? If so, will Government state the reason?

(*b*) Have Government considered the question of placing the Medal Section under one of the Assistant Secretaries of the Army Department?

(*c*) What was the strength of the Medal Section in 1922, when the post of the Officer in charge Medal Distribution, was not made permanent? What was the total number of assistants in charge, sub-sections, *i e*, 1914, 1914-15, I G S, B W & V Medals, War, Recruiting and other Badges, Permanent Replacement and old War Medals (from 1799 to 1908-11) subsection, etc, and what were the names of the Assistants in Charge of these sub-sections from 1st April, 1920, to 31st March, 1924?

Mr. G. M. Young: (*a*) No Sir The section consists of one assistant, ten clerks and a mechanic The officer in charge is not graded as an Assistant Secretary

(*b*) No.

(*c*) The strength of the section in 1922 was 47 The information asked for in the latter portion of this question is not available

TRANSFER TO DELHI OF THE RECORDS OF THE ARMY DEPARTMENT.

870. *Maulvi Muhammad Yakub: Have the Army Department Records yet been brought to Delhi and, if not, when do Government intend to bring them to Delhi?

Mr. G. M. Young: Printed records of the Army Department from 1890 and all unprinted records of the last six years are kept in Simla The older printed and unprinted records were left in Calcutta because until recently there was no storage accommodation available for them They will be brought to Delhi in the course of the next year.

ADMISSION TO EXAMINATIONS OF DEPARTMENTAL AND RETRENCHED CLERKS.

871. *Maulvi Muhammad Yakub: (a) Is it a fact that Messrs Karam Chand Varma, Gajjan Singh, clerks, Master General of Ordnance Branch, late of the Army Canteen Board, and some retrenched clerks of the Medal Section, holding temporary appointments in the Army Headquarters, have not been allowed to sit in the departmental examination of November, 1929? If so, will Government furnish a complete list of the retrenched clerks of the Medal Section and the Army Canteen Board holding temporary appointments in civil and military offices of the Government of India who have not been permitted to appear at the last examination and also state the reasons for withdrawing these concessions in each case?

(b) Have any clerks who neither belong to the Medal Section nor to the Army Canteen Board been allowed to sit in the examination? If so, what are the special reasons for doing so?

Mr. G. M. Young: (a) The answer is in the negative as regards Messrs Karam Chand Varma and Gajjan Singh, both of whom were permitted to sit at the examination There was only one retrenched clerk of the Medal Section holding a temporary appointment in Army Headquarters, who was not allowed to appear at the departmental examination, because the concession applied only to clerks who were serving in the Medal Section in 1929. The appointments of seven of these in the Medal Section were made permanent, and employment was found at Army Headquarters for three more The clerk, who was not allowed to appear at the examination, had been selected for retrenchment, four years previously, when the first reductions in the Medal Section were made, on account of his unsatisfactory work and conduct The latter part of the question does not arise

(b) Yes, exceptional cases were referred to the Public Service Commission, who granted admission on the merits of each individual case

EMPLOYMENT OF RETRENCHED CLERKS

872. *Maulvi Muhammad Yakub: Is it a fact that Messrs Abdul Haq, R R Sett and S C Sett, late clerks of the Medal Section, have been provided with appointments in the Army Headquarters after retrenchment? If so, do Government propose to give similar treatment to the clerks of the Medal Section who were thrown out of employment after faithfully serving Government for almost ten years; in many cases, at the time when they became overaged and unfit for further service?

Mr. G. M. Young: The answer to the first part of the question is in the affirmative Government have always been, and are still prepared to consider applications from clerks, who were retrenched, for further employment I would point out, however, that the large Medal establishment employed during the first few years after the war was on an avowedly temporary basis, and that none of the clerks so employed had any expectation of permanent employment It was inevitable that after the main work of distributing medals was completed, the establishment should be greatly reduced I cannot accept the suggestion in the last sentence of the Honourable Member's question that Government should re-employ clerks who are over age and unfit for further service

RETRENCHMENT OF CLERKS IN THE MEDAL SECTION.

873 *Maulvi Muhammad Yakub: Will Government please state whether the clerks who were transferred, along with the Medal Section, from Simla to Calcutta, after being given 20 per cent deputation allowance, and the clerks who were entertained in Calcutta, were, wholly or partly, paid from War Office funds? If so, did the retrenchment in the Medal Section occur on the recommendation of the War Office with a view to curtail their expenditure?

Mr. G. M. Young: The answer to the first part of the question is in the affirmative, and to the second part in the negative

TRANSFERS OF CERTAIN OFFICERS OF THE POSTS AND TELEGRAPHS DEPARTMENT

874 *Maulvi Muhammad Yakub: (*a*) Will Government be pleased to state whether Government have promulgated rules, regulating transfers of Deputy Assistant Electricians and Sub Divisional Officers of the Engineering and Telephone Branches of the Posts and Telegraph Department? If so, would they table departmental regulations prescribed for the purpose?

(*b*) Has a time limit been fixed under the rules above, for each station or locality?

(*c*) Is it a fact that there is a general lack of uniformity in the manner transfers are being effected generally, *i e* , some being provided prolonged tenures at places, whilst others, either stagnate at inconvenient stations or are jostled about oftener?

(*d*) Will Government be pleased to furnish a list of all such officials in all cadres, afore-mentioned, who have already served in the same place or post for over three years, indicating also respective periods involved?

(*e*) Are Government aware that a strong feeling exists throughout and amongst all cadres afore-named, that transfers could be conducted on better and more equitable lines than they are at present?

(*f*) Are Government prepared to review the whole question of transfers in all three branches?

Mr. H. A. Sams: (*a*) There are no special rules relating to the transfer of officials of the classes referred to The officials are subject to the general rules regarding the conditions of transfer

(*b*) No

(*c*) As transfers of the officials referred to are effected in the interests of the service, there cannot be uniformity as regards the period for which an officer is stationed at a particular place

(*d*) Information will be collected and will be furnished to the Honourable Member in due course.

(*e*) No

(*f*) There appears to be no necessity for the action suggested.

CONDONATION OF BREAK IN SERVICE OF CERTAIN TEMPORARY EMPLOYEES.

875 *Maulvi Muhammad Yakub: (1) Will Government be pleased to state if it is a fact that

(a) As a result of the Report of the late Inchcape Committee, reduction in the establishment of different Departments of the Government of India was effected, and certain temporary men, having long temporary service at their credit at the time, were thrown out of employment and again provided for in Government Offices by the Staff Selection Board with a short break in service?

(b) Government granted leave up to some specified period to those retrenched temporary men who had four years' temporary service or over at the time of retrenchment?

(c) There is an article 420 (d) in the Civil Service Regulations to the effect that the break in temporary service shall be condoned if it is due to the reduction in establishment?

(2) If replies to part (1) be in the affirmative, are Government prepared to treat as leave or condone the break in service of the temporary men referred to in part (a) above to enable them to avail themselves of their long temporary service before the break for purposes of *leave and pension*?

Mr. C. W. Gwynne: 1 (a) Yes

(b) Retrenched temporary employees, who had put in 4 years' continuous temporary service or more, were allowed to count that service for purposes of leave as if it had been permanent service

(c) Article 420 (d) of the Civil Service Regulations provides, as an exception to the general rule that an interruption between two periods of service shall have the effect of making it impossible to reckon the earlier period as service for any purpose, that a loss of appointment owing to reduction of establishment shall not have that effect

(2) The question of leave has already been disposed of on the merits of each individual case and Government do not propose to reopen the matter The position regarding pension was explained in reply to Mr Siddheswar Prasad Sinha's starred question No 717 on the 23rd September, 1929

MEDICAL ATTENDANCE FOR APPRENTICES AT THE KHARAGPUR WORKSHOPS.

876. *Mr. S. C. Mitra: (a) Will Government please state whether the facilities afforded in medical attendance and medical assistance to the apprentices in the Bengal Nagpur Railway Workshops at Kharagpur are equal for all and for all purposes, regardless of their race and class?

(b) If the reply to part (a) above is in the negative, will Government be pleased to state what are the differences observed, as regards the kind and quality of such attendance and assistance that are given to the Indian apprentices and particularly to the "A" grade apprentices from that given to the Anglo-Indian and European apprentices there?

(c) Are Government prepared to instruct the Railway to make the rules for medical facilities to their apprentices uniform? If not, why not?

Mr. A. A. L. Parsons: With your permission, Sir, I will answer questions 876, 877, 878 and 879 together I have called for information and will communicate with the Honourable Member when it is received I wish, however, to say that the Agent of the Bengal Nagpur Railway is personally investigating the question of removing the inequality, which must, I think, be admitted to exist in the treatment of European and Anglo-Indian and Indian apprentices in the Kharagpur Workshops, and the Honourable Member's questions will be useful in bringing particular points to his notice

LEAVE ADMISSIBLE TO APPRENTICES OF THE KHARAGPUR WORKSHOPS

†877 ***Mr. S. C. Mitra:** (*a*) Will Government please state what period of leave during the year, on full pay, is admissible to the apprentices in the Bengal Nagpur Railway workshops at Kharagpur, that counts towards their service and increments?

(*b*) Does the medical leave of apprentices at Kharagpur count for service and increments? If so, for how long does it ordinarily count in the year and what are the allowances granted to the apprentices while on medical leave?

(*c*) What other leave with full pay is admissible to the apprentices that counts for increments and service and is granted on extraordinary reasons?

(*d*) Is there any differential treatment observed for the Indian apprentices, particularly for the "A" grade apprentices, in respect of leave and leave allowances from that of the Anglo-Indian and European apprentices in the Kharagpur Railway workshops?

(*e*) If the reply to part (*d*) above is in the affirmative, will Government please specify the differences observed and state reasons for the differential treatment?

COMPENSATION FOR INJURY FOR APPRENTICES OF THE KHARAGPUR RAILWAY WORKSHOPS

†878 ***Mr. S. C. Mitra:** (*a*) Will Government be pleased to state whether any compensation for injury or disability caused in performance of their duty, is given to the apprentices in the Bengal Nagpur Railway workshops at Kharagpur?

(*b*) If the reply to part (*a*) above is in the affirmative, will Government please state whether the Workmen's Compensation Act is applicable in such cases?

(*c*) If the reply to part (*b*) above is in the negative, will Government please place on the table a copy of the rules that regulate the grant of such compensation to the apprentices in the Kharagpur Railway workshops?

(*d*) Have the Bengal Nagpur Railway had any occasion before to grant such compensation to any one of their Apprentices? If so, will Government please furnish the particulars?

(*e*) Is there any different ruling for the grant of such compensation to Indian and particularly to the "A" grade apprentices from that of the Anglo-Indian and European apprentices in the Kharagpur Railway workshops? If so, what is the reason for this differential treatment?

†For answer to this question, *see* answer to question No. 876.

TRAINING OF APPRENTICES IN THE KHARAGPUR WORKSHOPS.

†879. ***Mr. S. C. Mitra:** Is it a fact that the rules governing the admission of apprentices in the Kharagpur Railway workshops lay down different kinds of distribution in their training for the different periods of apprenticeship of the Indian "A" grade apprentices, but there are no such conditions laid down in the rules for the European and Anglo-Indian apprentices there? If so, will Government please state the reasons for this differential treatment?

APPOINTMENT OF INDIAN OFFICERS IN THE OFFICE OF THE DEPUTY COMMISSIONER, DELHI

880. ***Mr. S. C. Mitra:** (*a*) With reference to the reply to question No 745 (*b*) in the Legislative Assembly Debates, dated the 25th February, 1929, will the Honourable Member in charge of the Home Department kindly say if it is a fact that a junior Anglo-Indian clerk was again imported in the office of the Deputy Commissioner, Delhi, to officiate as Office Superintendent in May or June, 1929, in supersession of long service assistants? If so, why?

(*b*) Will Government be pleased to state, if the post of the Registrar, office of the Chief Commissioner, Delhi, is reserved for Europeans and Anglo-Indians? If not, do Government propose to appoint an Indian to the said post on the occurrence of a vacancy?

Mr. C. W. Gwynne: (*a*) An Anglo-Indian Head Assistant from the Chief Commissioner's office on a higher rate of pay than any of the clerks in the Deputy Commissioner's office was appointed to officiate for one month for the Superintendent of the Deputy Commissioner's office while the latter was doing his military training There was no racial discrimination

(*b*) No There is no vacancy at present and Government cannot give any undertaking of the kind suggested in advance

APPOINTMENT OF A JUNIOR CLERK AS SUPERINTENDENT, REFORMATORY SCHOOL, DELHI

881. ***Mr. S. C. Mitra:** (*a*) Will Government be pleased to state if it is a fact that the Chief Commissioner, Delhi, has appointed an Anglo-Indian clerk of his Office as Superintendent Reformatory School, Delhi, which is a gazetted post?

(*b*) If so, what are the technical and educational qualifications of the said gentleman to hold the post?

(*c*) Has he any previous experience of any juvenile jail, or of educational institutions? If not, on what considerations has a junior clerk been appointed to hold a post of such a responsible nature?

(*d*) Why have the claims of senior Head Assistant been ignored in filling the appointment?

Sir Frank Noyce: The information asked for is being collected and will be supplied to the Honourable Member later

†For answer to this question, *see* answer to question No 876

ACCEPTANCE OF *DALIS* BY THE SUPERINTENDENT, DEPUTY COMMISSIONER'S OFFICE, DELHI

882. ***Mr. S. C. Mitra:** (*a*) Will Government be pleased to state, if it is a fact that the clerks in the Deputy Commissioner's Office, Delhi, have to pay a certain portion of their salary of the month of December and with the amount have to purchase presents and wait on the Superintendent of the Deputy Commissioner's Office, Delhi, with *dalis* on the Christmas Day?

(*b*) Is it a fact that the *dalis* were accepted by the Superintendent of the Deputy Commissioner's office on the last Christmas Day from his subordinate clerks? If so, what was the value of the presents received and with what motive were they presented and accepted?

(*c*) In view of the reply given by the Home Member to question No. 748 (*a*) on the 25th February, 1929 on the subject, are Government prepared to institute an inquiry as to whether the practice of accepting *dalis* is prevalent in the Deputy Commissioner's Office, Delhi?

Mr. C. W. Gwynne: (*a*) No

(*b*) The Superintendent accepted a few trifling presents of fruit, nuts or flowers from his clerks Government have no reason to suppose that the motive of acceptance as well as of presentation was anything but goodwill

(*c*) The presentation related to one occasion only and no question of the prevalence of a general practice arises Government do not therefore consider it necessary to hold an inquiry as suggested

APPOINTMENTS AND PROMOTIONS IN THE DEPUTY COMMISSIONER'S OFFICE DELHI

883. ***Mr. S. C. Mitra:** (*a*) Is it a fact that the appointments and promotions in the Deputy Commissioner's Office, Delhi, are not made with due regard to seniority and efficiency and that employees are given pay of the higher grades without actually performing the duties of the higher posts?

(*b*) Is it a fact that one clerk is working as a Vernacular Munshi, and his name is shown as an English clerk in the Deputy Commissioner's Office? If so, why is the Superintendent of the said office allowed to make such appointments?

Mr. C. W. Gwynne: (*a*) and (*b*) The reply is in the negative

MEMORIALS FROM THE CLERICAL STAFF OF THE DEPUTY COMMISSIONER'S OFFICE, DELHI.

884. ***Mr. S. C. Mitra:** (*a*) With reference to the reply to question No 746 (*b*) in the Legislative Assembly Debates, dated 25th February, 1929, will the Honourable the Home Member kindly say what has become of the memorials addressed to H E the Viceroy submitted by the clerical staff of the Deputy Commissioner's Office, Delhi, in June 1927?

(*b*) Were the memorials withheld? If so, under which rule of the memorial rules?

(*c*) Were the memorialists informed of their memorials being withheld? If not, why not?

(*d*) If the memorials are still under consideration, how long does the Delhi Administration intend to take before submitting the memorials?

Mr. C W. Gwynne: (*a*) I understand that they were returned to the Deputy Commissioner

(*b*), (*c*) and (*d*) The memorialists had prayed for further increase of the salaries, etc , recently sanctioned by the Government of India and for the grant of house rent The Deputy Commissioner was informed in December 1927 that the Chief Commissioner was not prepared to refer the matter to the Government of India, and it is understood that this decision was conveyed to the memorialists The memorials were not technically withheld, and it would have been open to the memorialists to approach the Chief Commissioner again with a request that they should be submitted to the Government of India even though the Chief Commissioner was unable to support them They have not done so yet

PAY OF EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, ALIGARH

885. ***Mr. S. C. Mitra:** (*a*) Will Government be pleased to state if it is a fact that a large number of workers in the Government of India Press, Aligarh, have been paid less than the pay sanctioned by Government for the posts they hold?

(*b*) If so, is it a fact that such procedure is contrary to the provisions of the Fundamental Rules?

(*c*) Why is the Manager allowed to cut the sanctioned pay of the workers and why does not the Controller of Printing exercise proper supervision in the matter?

(*d*) Is it a fact that wages to the extent of about Rs 15,000 were cut and are Government aware that some of the workers had to live on one meal a day owing to the reduction of 25 to 30 per cent of their wages?

The Honourable Sir Bhupendra Nath Mitra: An inquiry is being made and the result will be communicated to the Honourable Member in due course

(Mr President called Mr Ranga Iyer to put question No 887)

Mr. Vidya Sagar Pandya: May I know, Sir, what has become of question No 886?

Mr. C. W. Gwynne: I have been informed, Sir, by the Legislative Assembly Department that the Honourable Member has withdrawn this question

Mr. C. S. Ranga Iyer: That is why I did not put question No 886.

CORRESPONDENCE BETWEEN THE SECRETARY OF STATE AND THE GOVERNMENT OF INDIA ON CERTAIN MATTERS

887. ***Mr. C. S. Ranga Iyer:** (*a*) Will Government be pleased to state if any correspondence has passed between the Secretary of State for India and the Government of India in regard to:

(i) the arrest of Vallabhbhai Patel;
(ii) the policy to be adopted towards the civil disobedience movement; and
(iii) the representation of the Congress in the projected Conference of Princes and people in London?

(*b*) If so, will they be pleased to issue a white paper or make a statement regarding the said correspondence?

Mr. C. W. Gwynne: (*a*) (i) and (ii). The Government of India have been in communication with the Secretary of State in regard to the policy to be adopted towards the civil disobedience movement and have reported to him the facts regarding the arrest of Mr Vallabhbhai Patel

(iii) There has been no correspondence between the Government of India and the Secretary of State on this subject

(*b*) The reply is in the negative For the policy of the Government of India towards the civil disobedience movement the Honourable Member is referred to His Excellency the Viceroy's address to the Assembly on the 25th January last

Mr. Vidya Sagar Pandya: May I know, Sir, if there is any truth in the newspaper report this morning that both Sardar Vallabhbhai Patel and the Lord Mayor of Calcutta are going to be released before their time? (*Several Honourable Members* "No no It is Subhas Chandra Bose").

Mr C. W. Gwynne: I have no information, Sir

PROMOTIONS OF SUBORDINATES ON THE EAST INDIAN RAILWAY

888. ***Lieut.-Colonel H. A. J. Gidney:** (*a*) Will Government please state the total increase in expenditure today incurred by the recent raising of wages of the menial, unskilled and skilled employees on the East Indian Railway?

(*b*) Will Government be pleased to state the total number of subordinates promoted to official grades, both temporary and permanent and how many of them are Europeans, Anglo-Indians, Hindus, Mohammedans and other classes?

Mr. A. A. L. Parsons: (*a*) I do not know to what particular revision of wages the Honourable Member refers If he will let me know precisely what information he wants I shall be glad to furnish him with it, if possible

(*b*) I have called for information and will communicate with the Honourable Member when it is received

Lieut.-Colonel H. A. J. Gidney. In view of the stereotyped replies given by the Railway Board of collecting information, will the Honourable Member tell this House where the Railway Board usually place their collection boxes? These are evidently not put in the right places, because I have been waiting so long for a reply to this question.

(No answer was given)

PROMOTION OF SUBORDINATES ON STATE RAILWAYS.

889. ***Lieut.-Colonel H. A. J. Gidney:** Will Government please state when they intend remedying the present position of a large number of subordinates on the State Railways officiating as officials by making them either permanent or improving their salaries?

Mr. A. A. L. Parsons: The position will be improved when the cadres of the superior establishments of State-managed railways are revised Proposals for the revision of the cadres are about to be referred to the Central Advisory Council for Railways

RATES OF PAY ON THE EAST INDIAN RAILWAY

890. ***Lieut.-Colonel H. A. J. Gidney:** (1) Will Government please state whether

(*a*) the revised rates of 1928 on the East Indian Railway were drawn up by the Railway Board, and

(*b*) these rates are applicable to the entire staff of the East Indian Railway, *i.e*, including those recruited before the date of the introduction of these rates?

(2) Will Government please state the cost of the staff before the 1928 rates of pay were introduced?

Mr. A. A. L. Parsons: (1) (*a*) No

(*b*) A copy of Circular No 485/A E -388, dated the 1st October, 1928, of the Agent, East Indian Railway, which contains a full answer to the Honourable Member's question, has been placed in the Library

(2) The total cost of all staff of the East Indian Railway including superior officers in the year 1927-28 was Rs 6,95,67,687

Lieut.-Colonel H. A. J. Gidney: Is the Honourable Member aware that the Agent of the East Indian Railway, when giving his evidence before the Labour Commission, stated that it was the Railway Board who introduced these revised 1928 rates of pay and not the East Indian Railway Agent?

Mr. A. A. L. Parsons: No Sir, I was not aware of that In fact, I have not seen the evidence

Lieut.-Colonel H. A. J. Gidney: I rise to a point of personal explanation, Sir My question that was sent to the Legislative Assembly has been so altered as to render it absolutely innocuous I asked for a difference between the total cost of pay of the subordinate establishments between the years 1928 and 1926 The important part has been omitted and the smaller part has been kept as it was

Mr. President: Was the Honourable Member informed that his question was so altered?

Lieut.-Colonel H. A. J. Gidney: I was not informed of that, Sir

Mr. President: I will look into the matter

PAY OF POLICE INSPECTORS IN DELHI

891. ***Lieut.-Colonel H. A. J. Gidney:** (*a*) Has the attention of Government been drawn to the grievances of the Delhi Province Police Inspectors, Sergeants and Sub-Inspectors in regard to their pay and prospects in consequence of the revision made from the 1st April, 1928, detailed in an article on page 9 of the August (1929) issue of the *Anglo-Indian Review* as follows:

(1) Great disappointment and discontent is prevailing among the above ranks owing to the adverse effect of the increments fixed and given;

(ii) the increments fixed for Inspectors (*viz*., Rs 7-8-0) are much too inadequate in comparison with Inspectors in Bengal (*viz*., Rs 12-8-0) and even in clerical and other services in most of which the rates of increments of Government servants drawing pay at Rs 100—300 amount to not less than Rs. 10 or Rs 20;

(iii) the senior officers in each grade have suffered considerable loss in not getting any incremental pay for their longer services as compared with junior officers,

(iv) in spite of representation against and recognition of the anomaly by the Departmental heads, nothing has been done to redress their grievances, and

(v) though in order of precedence and pay, duties and responsibilities, the Inspectors ranked with Tehsildars, the latter have since been elevated to be gazetted officers and given pay from Rs 200 rising up to Rs 375?

(*b*) Do Government propose to take any steps to go into this matter and redress the grievances of these servants?

(*c*) Is it a fact that whereas the Indian Imperial Police and Provincial Police Services have their own organisations to represent their disabilities, Inspectors, Sergeants and Sub-Inspectors are not permitted to have such bodies?

(*d*) If so, are Government prepared to issue instructions to their Departmental officers to permit the formation of such Associations?

Mr. C. W. Gwynne: (*a*) (i) to (v) I have not seen the article referred to but my information is that the introduction of the time-scale for the old graded system of pay has, on the whole, given satisfaction to the ranks concerned The rate of increment for Inspectors in Bengal is Rs. 25 biennially, not 12-8-0 annually as suggested In the clerical service of the Government of India Secretariat, and Attached Offices, the rates of increment vary, but it is not a fact that the minimum increment in scales running to Rs 300 is Rs 10 Officers who happend to be at, or very near, the top of their particular grade, naturally got a smaller increase of pay immediately under the new time-scale than they would shortly have received under the grade system, and officers who at the time of revision happened to be at or near the bottom of their particular grade, received an increase of pay immediately, which they would not for many years have received under the grade system, but such anomalies must be regarded as inevitable in a change of system from grades to a time scale Individual cases of hardship have been brought to the notice of departmental heads of the service I understand that Inspectors ranked with, but junior to, Tehsildars, and that the latter have been created gazetted officers on a pay ranging from Rs 200 to 375

(*b*) The Inspectors, Sergeants and Sub-Inspectors at Delhi belong to the cadre of the Punjab police The Government of India do not contemplate action in the matter

(*c*) Subject to compliance with the rules laid down by the Government of India, the formation of Associations of police officers of the ranks mentioned is permitted, but it is for the Local Government to prescribe the rank

or ranks which may comprise an association and to accord recognition For the reason stated in reply to part (*b*), the Local Government concerned in this case is that of the Punjab

(*d*) Does not arise

Lieut.-Colonel H. A. J. Gidney: In view of the Honourable Member's reply that the increase in the Bengal Police Inspectors' grade is Rs 25 biennially, surely I am right in assuming that the increase annually is Rs 12-8-0? This is obvious?

Mr. C. W. Gwynne: No, Sir, payment is not made annually

SUPPLY OF TIMBER FROM THE ANDAMANS TO MATCH FACTORIES IN INDIA

892 ***Sir Darcy Lindsay:** (*a*) Will Government be pleased to state what has been the supply of timber during the year 1929-30 from the Andamans to match factories in India and Burma?

(*b*) Have the demands for this special class of timber been fully met, and what has been the allocation by the Andamans Administration to the several match factories which have indented for it?

(*c*) What steps have Government taken to ensure that indents of the Indian companies and firms receive full consideration and that undue preference will not be given to any particular company? What steps have Government taken to ensure that no long term contract will be entered into which is likely to be prejudicial to the interests of the Indian companies as a whole?

(*d*) Will Government be pleased to state whether they have arrived at any definite conclusions on the Report of the Indian Tariff Board, and if so, as to what action they propose to take in order to conserve this growing industry to Indian interests?

(*e*) What steps are being taken by the Forest Department to discover suitable woods for match manufacture that can be extracted in quantity and readily transported to factories, as recommended by the Tariff Board on page 102, in paragraphs 21 and 22 and on page 118, in paragraph 25 of their Report?

Sir Frank Noyce: (*a*) (*b*) and (*c*) Information is being collected and will be supplied to the Honourable Member as soon as possible The Honourable Member may rest assured that his suggestion that indents of Indian companies and firms for timber required for match factories in India and Burma should receive full consideration and that undue preference should not be given to any particular firms will be sympathetically explored

(*d*) and (*e*) The proposals of the Indian Tariff Board referred to by the Honourable Member have been under consideration for some time They were discussed with the Inspector General of Forests who, in August 1928, submitted proposals which included the establishment of an experimental match factory at Dehra Dun As the appointment of a Special Committee to report on the future scope of the activities of the Forest Research Institute was contemplated by Government, it was decided to postpone action on the Inspector General of Forests' recommendations until this Committee had also had time to examine them The desirability of this course of action was also indicated by the need for ensuring

that the definite research project, which the Tariff Board recommended should be drawn up, should be framed with due regard to economy. The Forestry Committee dealt with this matter in paragraph 54 of their Report, of which copies will be found in the Library of the House Stated briefly, their recommendation was that before any project was drawn up, or any elaborate manufacturing plant installed at the Institute, a meeting of the representatives of the match trade should be convened and their exact requirements ascertained The Inspector General of Forests was accordingly authorised to convene a conference of such representatives Unfortunately, his efforts in this direction did not evoke sufficient response and the idea of the conference had therefore, to be abandoned The Government of India are now in communication with Local Governments regarding proposals which the Inspector General of Forests has submitted to provide for testing at Dehra Dun all species of Indian wood that appear to be suitable for use in the manufacture of matches and then testing them on a manufacturing scale at one of the match factories in India, and for ascertaining the requirements of match factories and arranging with provincial Forest Departments not only for the utilisation to the best possible advantage of available supplies but also for the selection of new areas for growing suitable species of timbers The views of Local Governments on these proposals are now awaited

Sir Purshotamdas Thakurdas. The question raised here does not affect any particular individual It is a matter in which match factories all over India are interested May I ask whether Government are prepared to place the reply on the table of the House?

Sir Frank Noyce: The reply to (*a*), (*b*) and (*c*)?

Sir Purshotamdas Thakurdas: Yes

Sir Frank Noyce: Certainly

Sir Purshotamdas Thakurdas: I thought the Honourable Member said that he would supply the answer to the Honourable Member who put the question

Mr. President: It will be placed on the table

Sir Purshotamdas Thakurdas: May I ask if Government are prepared to draw the attention of the Andamans' Administration to what is indicated in the latter portion of question (*c*)

Sir Frank Noyce: By all means I would explain to the Honourable Member that we are endeavouring to find out from the Andamans' Administration exactly what the system there is at present The suggestion now made by the Honourable Member will certainly be duly considered if the reply we receive from the Andamans' Administration shows that the practice is not being followed already

Mr. Vidya Sagar Pandya: Will the Government make inquiries as to whether suitable timber is available there for manufacturing pencils also?

Sir Purshotamdas Thakurdas: My question was will Government consider the desirability of asking the Andamans' Administration not to enter into any long term contract pending their making the reply available to this House

Sir Frank Noyce: I think we should get the reply of the Andamans' Administration in the course of the next few days I do not think there is the smallest danger of their entering into any fresh contract before we get their reply

Sir Purshotamdas Thakurdas: My point is, that some time may elapse between the time the Government get the reply and the time when Government can make that reply available to this House Will Government consider the desirability of asking the Andamans' Administration not to enter into a long term contract until the Assembly has had an opportunity of making a representation to Government, based on the reply which we may get hereafter?

Sir Frank Noyce: I am certainly prepared to consider that question

Mr. Vidya Sagar Pandya: My question has not been answered

Mr. Sarabhai Nemchand Haji: Will Government take steps to see that the benefit under this scheme goes to genuine Indian companies and not to the so-called indigenous companies, about which we have come to know, and which are only controlled by foreigners?

Sir Frank Noyce: I must ask for notice of that question

Mr. Sarabhai Nemchand Haji: Is the notice required because the Honourable gentleman does not know the difference between a genuine Indian national company and an indigenous company which sails under false pretences and is controlled by foreign interests?

Sir Frank Noyce: The Honourable Member's question raises an important issue of policy and therefore I must ask for notice

DECENTRALISATION OF THE OFFICE OF THE DEPUTY ACCOUNTANT GENERAL TELEGRAPHS, CALCUTTA

893. ***Mr. S. C. Mitra:** 1 (*a*) Is it a fact that the office of the Deputy Accountant General, Telegraphs, Calcutta, is going to be decentralised? If so, when is it going to take effect?

(*b*) Will Government please state what is the approximate cost estimated for this scheme? What is the necessity and importance of this scheme? What is the urgency for immediate action during the financial stringency of the Government revenue?

(*c*) Is the decentralisation likely adversely to affect the system of commercialisation of accounts that has been lately taken up?

2 (*a*) Is it a fact that the decentralisation of the office of the Deputy Accountant General, Telegraphs was not originally approved by the Auditor-General, but after persistent demands from Mr Jagat Prasad, the Auditor-General gave his approval?

(*b*) Are Government going to make arrangements for house accommodation for the employees in Nagpur and Madras, or are they going to grant house-rent allowance for the employees?

The Honourable Sir George Schuster: 1 (*a*) Yes, the decentralisation is expected to be completed by the end of August or September 1930.

(*b*) Against a gross recurring saving of about Rs 37,000 per year there will be

(i) recurring extra expenditure of Rs. 22,600 per annum; and

(ii) non-recurring expenditure of Rs 1,15,000.

Decentralisation has been found advisable mainly on the following grounds

(1) Decentralisation is a natural corollary of the unification of the Engineering Circles and the Postal Circles on the administrative side The audit officer, through decentralisation, will be enabled to maintain closer touch with the Executive and to exercise more effective supervision over the divisional accountants

(2) Besides improving the general efficiency of engineering audit, the decentralisation is expected to economise time and expenditure on local inspections and to facilitate the introduction of a system of intensive inspections

(3) The decentralisation is expected not only to increase efficiency but also to produce some economy as already indicated I may add that the proposals were very fully explained to and accepted by the Standing Finance Committee

(*c*) No

2 (*a*) No

(*b*) The matter has been considered, but it is not proposed at present to take any action in the direction indicated, as it is understood that there is no special difficulty in securing house accommodation at a reasonable rate in the two places mentioned Government quarters are not provided generally for clerks in these places

SHORTAGE OF QUARTERS FOR EMPLOYEES OF NON-MIGRATORY OFFICES AT NEW DELHI

894. ***Lieut.-Colonel H. A. J. Gidney:** (*a*) Will Government be pleased to state the total number of non-gazetted Government servants belonging to the non-migratory offices at New Delhi, such as the Indian Stores Department, Accountant General, Central Revenues, etc , who applied for, but were not allotted any, Government quarters at New Delhi during either of the last two winter allotments?

(*b*) Is it a fact that the migratory staff are allowed conveyance allowance if they fail to secure any quarters at New Delhi and reside outside that area?

(i) Is it a fact that this conveyance allowance is denied to the non-migratory servants under the same circumstances?

(ii) Will Government please state the reasons for such a distinction?

(*c*) Are Government aware that well ventilated and healthy private houses are not available in New Delhi and Delhi?

(*d*) Is it a fact that the non-migratory staff are in receipt of less emoluments than those of the same status in migratory Government Departments?

(*e*) Do Government propose to consider the claims of these men when allotting Government quarters for the next winter?

The Honourable Sir Bhupendra Nath Mitra: (*a*) 348 in 1928-29
429 in 1929-30

(*b*) Conveyance allowance is granted to persons of the class indicated who apply for, but cannot be provided with. Government accommodation in New Delhi, if they in consequence have to live in the Old Delhi Notified Area and attend office in New Delhi

(*b*) (i) Yes

(*b*) (ii). The reason is that, save in exceptional circumstances, an officer is not entitled to conveyance allowance for the purpose of attending office

(*c*) Government are aware that there are very few private houses available in New Delhi, while there is difficulty in finding good accommodation at reasonable rates in old Delhi

(*d*) I have no precise information in the matter, but doubt whether this is true as a general proposition

(*e*) Government do not see any reason to give preference to non-migratory staff over the migratory staff in the matter of allotment of quarters

Lieut.-Colonel H. A. J. Gidney: Will Government give equality and not preference? Equality is asked for, not preference

The Honourable Sir Bhupendra Nath Mitra: The relative claims of the two categories are always considered before allotments are made

CONTRACT FOR COPYING PORTRAITS OF THE KING AND QUEEN

895 ***Dr. B. S Moonje:** (i) Will Government please state if it is a fact that, in the Fine Arts Exhibition recently held in Delhi, two artists, Messrs Fernandis and Kelkar, were declared to be the best of all others and given first prizes particularly in the competition for copying pictures of well known European artists and for drawing original pictures of their own on the European style?

(ii) If so, are Government aware that the contract of copying the pictures of Their Majesties the King and the Queen has not been given to these two artists, but to others?

(iii) If so, will Government please state the reasons thereof?

(iv) Is it a fact that these artists have submitted a representation to the Government against what they believe to be an injustice done to them?

(v) If so, how has their representation been disposed of?

The Honourable Sir George Schuster: (i), (ii) and (iii) I would invite the Honourable Member's attention to the Press communiqué dated the 3rd March, 1930, issued by the Military Secretary to His Excellency the Viceroy, which explains the position

(iv) No representations have been received by Government from Messrs Fernandis and Kelkar

(v) Does not arise

REPORT BY MR. HAYMAN

896. ***Maulvi Muhammad Yakub:** (*a*) Are Government aware that in reply to my starred question No 631, put on the 18th March, information as to the Report of the inquiry made by Mr. Hayman was not supplied?

(*b*) Will Government be pleased to reply to all the points raised in my starred question No 631, put on the 18th March, 1930?

(*c*) Will Government be pleased to supply the House with a copy of the Report of Mr Hayman? If not, why not?

Mr. A. A. L. Parsons: (*a*) On the contrary, it was explained in the reply given to the Honourable the Deputy President, who asked what was the nature of the grievances investigated by Mr Hayman, what were his findings on those grievances and what steps were taken by the authorities on his report, that the grievances fell into two categories, first general, and second with regard to the treatment of particular individuals A memorandum detailing the general grievances and explaining the action taken on them was placed in the Library It was also explained that in those of the individual cases which he investigated, Mr Hayman found no reason to propose an alteration in the orders passed by the East Indian Railway authorities, but he suggested that some of them should be re-examined by the Agent, to whom my Honourable friend might apply for any information he desired My Honourable friend also asked what action had been taken by the Railway Board and he was referred to a letter which had been sent to him That letter explained that the Agent of the East Indian Railway would, when he considered it desirable to do so, instruct the Divisional Superintendent to meet the officials of the East Indian Railway Union at Moradabad, and, subject to any general or specific instructions issued by him, discuss the merits of any particular case with the officials of the Union That was a complete account of the action which has been taken by the Railway Board I regret that I am not prepared to lay a copy of Mr Hayman's report on the table for it is a confidential document, but if the Honourable Member will let me know any specific points on which he requires further information I will see if it can be supplied to him

Maulvi Muhammad Yakub: Will Government kindly state if any action has been taken by the Divisional Superintendent as yet

Mr. A. A. L. Parsons: I am unable to say If the Honourable Member will give me details of cases on which he would like to have information, I will see whether I can obtain that information for him, including the question whether the Divisional Superintendent took any action

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UNSTARRED QUESTIONS AND ANSWERS.

DESCRIPTION OF EMPLOYEES OF GOVERNMENT OF INDIA PRESSES

330. Mr. Mukhtar Singh: (*a*) Is it a fact that some employees of the Government of India Presses have recently been converted from "industrialists" to "ministerialists"?

(*b*) Is it the intention of the Government that the Factory Act will not apply to such men now?

(*c*) Is it not a fact that the men so converted are still working the same number of hours daily as before?

(*d*) Do Government intend to reduce their time and bring it to the level with the clerical establishment?

(*e*) What are their advantages and disadvantages under such change?

The Honourable Sir Bhupendra Nath Mitra: (*a*) to (*e*). Certain employees of the Government of India Presses have been declared as "ministerial" for the purpose of the Fundamental Rules The distinction between ministerial and non-ministerial officers is quite different from the distinction between clerical hands and industrial hands The declaration referred to does not affect the working hours or the emoluments of the men concerned or the applicability of the Indian Factories Act

HOLIDAYS IN THE GOVERNMENT OF INDIA PRESS, DELHI

331. **Mr. Mukhtar Singh:** (*a*) Is it a fact that the Home Department of the Government of India issued a circular No F -47/2/29-Public, dated the 7th February, 1930, recently sanctioning some more holidays for the Government of India Secretariat and Attached Offices?

(*b*) Is not the Government of India Press, Delhi, an attached office?

(*c*) Has the circular been sent to the said Press?

(*d*) If not, where is it being delayed, and why?

(*e*) Is it not a fact that by this delay, the Press has already been deprived of a few holidays since the circular issued?

(*f*) Are Government prepared to see that holidays sanctioned for Attached Offices and observed in the office of the Controller of Printing and Stationery are given to the Press also?

The Honourable Sir Bhupendra Nath Mitra: (*a*) Yes

(*b*) to (*f*) The question of the applicability of the orders to the employees of the Government of India Press, Delhi is at present under the consideration of Government

LATE HOURS AT THE GOVERNMENT OF INDIA PRESS DELHI

332. **Mr. Mukhtar Singh** (*a*) Is it a fact that every year some men are compelled to come to office at 10 A M for Princes Conference work and are made to work up to 11 P.M. in the Delhi Press?

(*b*) Is it not a fact that many protests were made to the Manager, without any effect?

(*c*) Is it not also a fact that no special concession is allowed to men working so late at night?

(*d*) Do Government propose to stop the practice and compel no men to attend office at any other time than the usual attendance time?

The Honourable Sir Bhupendra Nath Mitra. (*a*) During the few days the Chamber of Princes is in session at Delhi, a few men are usually booked to attend at 10 A.M. in connection with the printing of the proceedings

(*b*) No representations have been made to the Manager in this connection

(*c*) Men working late at night are paid overtime at special rates

(*d*) Government do not consider it necessary to issue any orders on the subject

ALLOWANCES OF READERS OF GOVERNMENT PRESSES.

333. **Mr. Mukhtar Singh:** (*a*) Will Government please state why acting allowance is not given to readers of Government Presses except the head readers?

(*b*) Is there no difference of responsibility between first, second and press readings?

(*c*) Is it not a fact that the Honourable Sir Bhupendra Nath Mitra, in reply to a question of Mr S C Mitra last year, admitted that because of this difference in responsibility, so many grades have been kept?

(*d*) Is it not a fact that some readers of the Government of India Press, Delhi, have recently been shown as acting and are being given the acting allowance by order of the Controller?

(*e*) Will Government please explain how this has been done?

(*f*) Are Government prepared to sanction such allowances to readers whenever any vacancy occurs or a man goes on leave? If not, why not?

The Honourable Sir Bhupendra Nath Mitra: (*a*) and (*b*). The attention of the Honourable Member is invited to the reply given by me on the 3rd April, 1929, to part (*c*) of Mr S C Mitra's unstarred question No 453

(*c*) The Honourable Member is presumably referring to the reply given by me on the 30th January, 1929, to part (*a*) of Mr S C Mitra's starred question No 274 In comparing the duties of readers and revisers I stated that the responsibilities of a reader vary according to the grade in which he is employed

(*d*) No

(*e*) Does not arise

(*f*) No Because no such allowance is admissible under the Fundamental Rules in this case

Formation of a Separate Province of Kanarese-speaking People

334. **Rao Bahadur B. L. Patil:** (*a*) Will Government be pleased to state whether representations have been received by the Government of India regarding the formation of a separate Province of all the Kanarese-speaking territories now distributed between more than one administrative unit?

(*b*) Are Government aware that the Nehru Committee appointed by the All-Parties Conference, 1928, held that a *prima facie* case was made out for unification and formation of Karnatak as a separate Province?

(*c*) Will Government be pleased to state whether the British Karnatak Association submitted its memorandum to the Simon Commission and to the Simon Committee of Bombay on this subject?

The Honourable Sir James Crerar: (*a*) and (*b*) The replies are in the affirmative

(*c*) Government have no information

Reckoning of Trade Unions as Public Institutions

335. **Pandit Nilakantha Das:** (*a*) Will Government be pleased to state whether the Trade Unions, registered under the Trade Unions Act, are reckoned as public institutions? If not, why not?

(*b*) If they are reckoned as public institutions, what facilities do Government provide them for their smooth working?

(c) Are they required to pay court fees in litigations and in other matters in which the assistance of the Court is sought by the Unions?

The Honourable Sir Bhupendra Nath Mitra: (a) A registered trade union is not a public institution in the sense that it affects or belongs to the State or to the community at large

(b) Does not arise

(c) As far as I am aware a registered trade union enjoys no special privilege in regard to the payment of court fees

WELFARE COMMITTEES AND THE BENGAL AND NORTH WESTERN RAILWAYMEN'S ASSOCIATION

336. **Pandit Nilakantha Das:** (a) When was the Bengal and North Western Railwaymen's Association started and when the Staff Welfare Committees on that Railway?

(b) Is it a fact that in the Bengal and North Western Railway, an officer of high rank performs the functions of the President and another works as Secretary of the Welfare Committees? If so, what is the principle underlying this practice?

(c) Were men among subordinate rank not available for filling up these offices?

(d) How many meetings of these Committees were held during the year ending the 31st March, 1929, and how many meetings of the Executive Committee of the Bengal and North Western Railwaymen's Association were held during the same period?

(e) Will Government be pleased to lay on table, a copy of the constitution of the Welfare Committees of the Bengal and North Western Railway and another of the Bengal and North Western Railwaymen's Association? If not, why not?

Mr. A. A. L. Parsons: I have called for information from the Agent of the Railway and will communicate with the Honourable Member when it is received

FUTURE ADMINISTRATION OF THE BENGAL AND NORTH WESTERN RAILWAY.

337. **Pandit Nilakantha Das:** (a) Has attention of Government been drawn to a resolution passed at the Jharia Session of the All-India Congress held in December, 1928 and printed at page 58 of Appendix of the "Report and the Congress Constitution of the All-India Trade Union Congress, Ninth Session, 1928", urging upon the Government of India to take over charge of the Bengal and North Western Railway Administration as soon as its present contract with Government expires on the 31st December, 1932, in view of deplorable condition of the subordinate staff on the said Railway?

(b) If reply to part (a) be in affirmative, will Government please state whether the said resolution has been recorded for consideration when the question, regarding its future administration, comes for final consideration in 1931? If their attention has not been drawn to the resolution, are Government prepared to call for a copy of it? If not, why not?

Mr. A. A. L. Parsons: (a) and (b). Government are in possession of a copy of the resolution referred to.

COST OF WATCH AND WARD STAFF ON COMPANY-MANAGED RAILWAYS.

338. Pandit Nilakantha Das: (*a*) Will Government be pleased to state whether the payment for "watch and ward" on the Company-managed railways is borne, in India, out of the Government revenue?

(*b*) If so, what have they to spend for it on the Bengal and North Western Railway per annum?

(*c*) How many watchmen are employed on this Railway and what is their wage?

(*d*) Are there any other staff? If so, what is their position and how much has the Company to incur per month?

Mr. A. A. L. Parsons: (*a*) Yes the charge is met from railway revenues

(*b*) Between Rs 75,000 and 80,000

(*c*) and (*d*) Government have no information

RECOGNITION OF UNIONS BY THE RAILWAYS.

339. Pandit Nilakantha Das: (*a*) Will Government be pleased to state the number, title and address of the unions of the railway employees and of their officers?

(*b*) How many unions of the railway employees are registered under the Trade Union Act and how many out of them are recognised by the Agent of the Railway?

(*c*) Which of their unions are not recognised and what are the reasons for their non-recognition?

(*d*) What steps Government propose to take to have recognised the unrecognised union?

(*e*) What facilities are provided to the unions by the Agent for organisation of the railway employees?

(*f*) (i) Do railway authorities deduct from the wages of members, the subscription due to recognised unions? (ii) Are the officers of such unions given passes to travel free in order to organise staff on the line? (iii) Are the correspondence between the unions and their members and their publications carried over the respective railways free of charge? (iv) Do the Railway authorities provide such facilities to the institutes of their employees? If so, why do they not provide these facilities to the Unions?

Mr. A. A. L. Parsons: (*a*), (*b*), first part of (*c*) and (*e*) A statement giving the information required has been placed in the Library of the House

Second part of (*c*) and (*d*) The recognition of railway unions has been left to the Agents of railways and Government do not propose to call for the reasons why recognition has been withheld from particular unions or to take any steps to have all or any particular unions recognised

(*f*) (i), (ii) and (iii) No

(iv) Institute subscriptions are recovered through the medium of salary bills. Information in regard to the other points is not available

It is not proposed to extend to Railway Unions concessions allowed to Railway Institutes as the two organisations are different in character.

RESOLUTION PASSED AT THE TRADE UNION CONGRESS AT JHARIA

340. **Pandit Nilakantha Das:** (*a*) Has the attention of Government been drawn to resolution No 53, passed at the ninth session of the All-India Trade Union Congress, at Jharia, in December, 1928, and printed at page 53 of appendix of the Report and Constitution of the Congress of the same year?

(*b*) (i) If so, do Government propose to investigate the allegations and claims contained in the said resolution? (ii) If not, why not?

(*c*) If their attention has not been drawn to it, do Government propose to obtain a copy of the said resolution for their consideration? If not, why not?

Mr. A. A. L. Parsons: (*a*) Yes

(*b*) No, but I would like to point out that a systematic examination is being made of the suitability of the rates of pay of the lower paid establishments of railways

(*c*) Does not arise

SUPPLY OF INFORMATION PREVIOUSLY ASKED FOR

341. **Pandit Nilakantha Das:** With reference to the reply given to unstarred question No 349 on the 18th of March, 1929, will Government be pleased to state whether they were able to obtain the cutting referred to in the question? If so, what action were Government pleased to take?

Mr. A. A. L. Parsons: The answer to the first part of the question is in the affirmative

As regards the second part, I would invite attention to the reply given on the 20th January, 1930, to question No 52 by Khan Bahadur Sarfaraz Hussain Khan

SUPPLY OF INFORMATION PREVIOUSLY ASKED FOR

342. **Pandit Nilakantha Das:** With reference to the reply given to unstarred question No 336 on the 18th March, 1929, will Government be pleased to state whether they propose to answer the second part of my question? If not, why not?

Mr. A. A. L. Parsons: A reply was given to the second part of the question to which I understand the Honourable Member to refer

SUPPLY OF INFORMATION PREVIOUSLY ASKED FOR

343. **Pandit Nilakantha Das:** With reference to the reply given to unstarred question No 341 on the 18th March, 1929, will Government be pleased to state whether they propose to obtain the solicited information? If not why not?

Mr. A. A. L. Parsons: Government are not prepared to call for the information as it cannot be procured without an expenditure of time and labour that would be entirely incommensurate with the value of the results obtained

SUPPLY OF INFORMATION PREVIOUSLY ASKED FOR

344. **Pandit Nilakantha Das:** (*a*) With reference to unstarred question No 347 and the reply given to it on the 18th March, 1929, will Government be pleased to state if they propose to obtain the required information? If not, why not?

(*b*) If they propose to obtain the information, are Government prepared to obtain the figures that stood on any of the days before the 6th March, 1929?

Mr. A. A. L. Parsons: (*a*) Government are not prepared to call for the information as it cannot be procured without an expenditure of time and labour that would be entirely incommensurate with the value of the results obtained

(*b*) Does not arise

PUNISHMENT INFLICTED ON THE ACCUSED IN THE BHATNI TRAIN COLLISION

345 **Pandit Nilakantha Das:** (*a*) With reference to the reply given to unstarred question No 340 on the 18th March, 1929, will Government be pleased to state what punishment has been inflicted upon the accused in the Bhatni train collision case?

(*b*) Is it a fact that they were dismissed from their service before their prosecution?

Mr. A. A. L. Parsons: (*a*) The Jemadar has been sentenced to eighteen months rigorous imprisonment with a fine of fifty rupees The Assistant Station Master and pointsmen have been acquitted The three men have been dismissed from the railway service

(*b*) Yes

THE COTTON TEXTILE INDUSTRY (PROTECTION) BILL

Mr. President: The House will now resume further consideration of the amendments moved by Mr Shanmukham Chetty* and Pandit Madan Mohan Malaviya† on the 27th March 1930

12 NOON. **Pandit Madan Mohan Malaviya** (Allahabad and Jhansi Divisions Non-Muhammadan Rural) Mr President, when the Assembly rose yesterday, I was drawing the attention of the House to the situation created by the persistent refusal of the Government

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*"In sub clause (*1*) of clause 2, for the proposed Item No 156 A, the following be substituted

'156-A. Cotton piece goods (other than tents of not more than nine yards in length)—		
(*a*) plain grey, that is, not bleached or dyed in the piece, if imported in pieces which either are without woven headings or contain any length of more than nine yards which is not divided by transverse woven headings;		
(i) of British manufacture	*Ad valorem*	15 per cent. or 3½ annas per pound whichever is higher.
(ii) not of British manufacture	*Ad valorem*	20 per cent. or 3½ annas per pound, whichever is higher.
(*b*) Others—		
(i) of British manufacture	*Ad valorem*	15 per cent.
(ii) not of British manufacture	*Ad valorem*	20 per cent'."

†"In sub-clause (*1*) of caluse 2, for the proposed Item No 156-A, the following be substituted.

'156-A. Cotton piece-goods	*Ad valorem*	15 per cent or 3½ annas per pound, whichever is higher'."

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of India to lay on the table of this House the letter or cablegram which the Government of India addressed in the first instance to the Secretary of State in connection with their proposals for taxation for this year, and I was going to say that the Government have not the courage to lay it before the House because it seemed to me that they were aware that, if the letter was laid before the House, it could not support the position which they have taken up, and that on the contrary, it would lend support to the contentions which we are placing before this House This view is confirmed by the answers which the Honourable the Finance Member gave yesterday to some of my questions The position which has arisen in the debate is this, that the Government of India have agreed—at any rate, they have not disputed the correctness of the proposition—that when they sent up their proposals of taxation in the first instance to His Majesty's Secretary of State for India there were two proposals among them relating to cotton piecegoods, namely, an increase from 11 per cent to 15 per cent in the general revenue duty and of 3½ annas per lb on plain grey goods as a protective duty But on my asking him why it was that, on the receipt of the message from His Majesty's Government, he decided to raise the duty to 20 per cent on all non British cotton goods with a minimum of 3½ annas per lb on plain grey goods, the Honourable Sir George Schuster told us something which throws some light on the situation He said

"The question of putting up the duty to something higher than 15 per cent had always been under consideration ever since the deputation of the millowners interviewed my Honourable colleague and the Acting Finance Member at the time on the 8th of December The claim on behalf of the millowners had always been for a protective duty of 20 per cent The Government of India's difficulty was to find justification for imposing an all round duty of 20 per cent, and it had always been in the minds of the Government of India that it would be easier if they could find some principle of discrimination which would avoid this very heavy burden on consumers, by putting a duty on to a large quantity of goods which could not, within the period under contemplation, be manufactured by Indian mills It was the difficulty of finding that principle of discrimination which had prevented Government from being able to satisfy themselves that they were justified in imposing a duty of 20 per cent"

This makes it quite clear that the Government of India felt from an early stage, after the 8th of December, that the demand of the millowners of Bombay in particular and of India in general for a 20 per cent all round duty on imports of cotton goods was a reasonable one It was not a demand which could be dismissed as obviously unjust And though the Government of India, in their first proposals, did not have the courage to put forward any such proposal as we understand, in the darkness which has been created and maintained by them by keeping back the correspondence from us, they still had that fact present in their mind Their conscience was still stinging them that they had not given that much protection to the Bombay industry that it deserved in the circumstances They were conscious that, having raised the rupee ratio to 1*s* 6*d*, they had inflicted a loss of 12½ per cent upon the industry, and had presented a bonus of 12½ per cent to every foreign manufacturer who sends his goods to India Being conscious of that fact, they felt all the time that they had not done enough justice to the millowners of Bombay But they could not see their way how to solve the difficulty It is here that the letter which we have asked for and which has not been produced, would probably throw some light But I am sorry we have to depend upon conjectures In the circumstances my conjecture is that, if that

letter were laid on the table, it would show that the Government of India did assert, in their correspondence with His Majesty's Government, that the demand of the millowners for a 20 per cent. all round duty was not an unreasonable demand, and that therefore they had to find some excuse for not accepting it If the letter, I submit, were laid on the table, it would support this view that the Government of India did say, in that correspondence, that the demand of the millowners for a 20 per cent all round duty was not unreasonable This view is supported by the answer which the Honourable the Finance Member gave yesterday He says that, from the 8th December onward, the demand of the millowners for a 20 per cent all round duty was always present to his mind He was always thinking how to accept that demand and what to do in the circumstances He had before his mind the picture of Lancashire rising in rebellion and throwing out of office the Government in power As the Honourable Sir George Rainy reminded us yesterday, the British Government had been put in jeopardy on two previous occasions in connection with Indian cotton duties The Government were very much perplexed and did not know what to do They could not think of agreeing to a 20 per cent all round duty on all imported cotton goods because that would bring them face to face with Lancashire, and Lancashire has been more powerful in the chequered and unhappy history of India's relations with England than any other single interest Lancashire could not be opposed, and therefore they could not think and could not muster up courage enough to do justice to the Bombay mill industry by proposing a duty of 20 per cent on all cotton goods

Sir Hugh Cocke (Bombay European) May I ask the Honourable the Pandit whether, in his view, putting Lancashire aside, it would have been a good thing for the Indian consumer to pay this 20 per cent duty all round?

Pandit Madan Mohan Malaviya: Yes, and I will answer that question in detail later on Now, Sir, the Honourable Sir George Schuster made it very clear in the answers which he was good enough to give to my questions, that the Government did all along feel that something more than 15 per cent of general revenue duty and 3½ annas per pound of protective duty was needed to give protection to the Bombay industry If so, I entirely agree with the view that the Bombay industry needs full 20 per cent today Not only that, it needs more And if we had it in our power, we would give that protection to the Bombay industry today Let there be no misunderstanding on that point But the Government would not make up their mind to put forward such a proposal for the dread of Lancashire What did they do? They sent up the proposals which were all that they could rise up to in the situation And when His Majesty's Government drew attention, as they were bound to do, because His Majesty's Government consists of English patriots, to the probable serious effect of those proposals on the Lancashire cotton industry, the Government of India put forward their new proposals of preference to United Kingdom goods Our friends on the other side are also patriots, and not the less so by reason of their being members of the Government of India I was rather taken aback by Sir George Rainy fighting shy of asserting that position. It would have been perfectly straightforward to get up and say that they have the interests of their own country at heart, and that therefore they had put forward the proposal that they did It is deplorable that, while we

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have been associated with this Government for such a long time, we have not learnt to practise the same amount of patriotism But the reason is obvious Subordination to a foreign Government is the greatest curse that can fall upon any nation (Hear, hear) It destroys the manhood in the people and it affects their moral fibre to a terrible extent A foreign bureaucratic government is a body which corrupts the people over whom it exercises its power, its patronage and its influence Its very presence has a corrupting influence

But, Sir, to come back to my point, the Government did not put forward an all-round 20 per cent duty because they could not face the wrath of Lancashire I am asked by my Honourable friend, Sir Hugh Cocke, would it not inflict a very heavy burden on the consumer if an all-round 20 per cent duty was imposed? That is the one plea urged by the Honourable the Finance Member and the Honourable the Commerce Member in offering such weak justification as they have been able to offer for not imposing a 20 per cent duty all-round Let us examine it I think, Sir, I can claim that every fibre of my soul lives in sympathy with my people. Their happiness has been the happiness of my ideals and their sorrows have been the sorrows of my life I am naturally anxious that not a single iota of burden should be laid upon the people where it is not justifiable in the circumstances I will be the last person to say that, without compelling necessity, five per cent more duty should be placed upon the consumer of cloth than is proposed by the Government But why do I say still that I am prepared to support it? It is for very good reason This wicked system of Government which is conducted on principles which take no account of justice or reason and is most extravagant is a curse The salaries paid are intolerably high Public expenditure has been maintained at an extremely high level in spite of protests of the people Time after time, whenever the Government have been under the necessity of finding more money, with very few exceptions they have resorted to fresh taxation Even in this year when there is any amount of unemployment and suffering in the land, Government have quietly imposed taxation of over five crores upon the people, and, what is most galling, with the support of a certain number of elected Members of this House Why, then, Sir, do I still support the proposal? Because it would enable a great national industry, the second in importance in this country, this great cotton industry of India, to stand upon its legs, to find that shelter and protection from foreign industries and from foreign manufacturers which it so sorely needs, and because upon all principles of protection such a course would be justifiable If we put on a five per cent extra duty on all foreign imports, the consumer undoubtedly pays it, he suffers for the time He will have to pay an extra amount of two annas per dhoti or more, but he will pay with the feeling that he feeds his own national industry, and that when the national industry grows after a time, it will shut out all foreign manufactures and recapture the whole home market (Hear, hear) It used to supply that market until 1840, and even until 1880 to a large extent It was by the deliberate and wicked policy of the British Government that the cotton industry of India was destroyed Even today it is the action of England which is hurting that industry, and therefore, if a 20 per cent all-round duty was imposed upon all cotton goods, it would protect the Indian industry, and the Indian industry, in spite of all the

nonsense that has been talked about the efficiency of foreigners being superior to that of Indians, will yet be able to show what Indians can accomplish In the past no people in the world showed greater skill and greater industry in the production of cotton goods than Indians. India stood supreme among all the nations of the world in her cotton manufactures, and I hope to live and see in the near future, that the critics of Indian industry will acknowledge that the Indian is not less efficient or less industrious than any of his fellowmen in any other part of the world But we want to give it the protection and assistance it needs We want to give it time to breathe so that it may live and grow, and that time will come if there is a 20 per cent duty, or even a little more, secured to the Indian manufacturer No doubt, Sir the burden on the consumer will be great for a time, but whatever burden he bears, he will bear to contribute to the development of the Indian cotton industry.

It is idle to think of this great industry as if it was a private property belonging to individuals or groups This industry is a property belonging to the body politic of the nation as a whole It is idle to tell me that one of my fingers is an isolated entity The five fingers of my hand constitute my hand, and so every national industry is like a finger of the body politic, and if you cut off one, you weaken the whole and if you cut off two, you disable the whole still further. Therefore every industry, which is a national industry, deserves the protection of the government of the country We have the example of other nations While England talked of free trade when it suited it, England also imposed very heavy import duties when it suited it. I do not want to go into past history, it has been repeated *ad nauseam* We know England imposed very heavy duties on Indian goods when it suited it to do so England compelled India to take off duties on cotton imports when it suited her, to enable her to send her goods more freely to India England now wants to take advantage of the position of dominance which she has acquired over India, a wrongful position, a position morally utterly unjustifiable, and taking advantage of that position, England wants to impose a burden upon India in favour of her own manufacturers at a time when India is utterly impoverished Australia has flourished by high tariff walls, Canada and the United States of America and many other countries of the world have built up their national industries under the protection of high tariff walls On the contrary, Sir, I grieve to say that there is no country in any part of the world where such injustice has been done to the national industries, particularly to the national cotton industry, as has been done in India under the British Government Australians were not fools, the Canadians were not fools, the people of the United States of America were not fools, when they imposed heavy import duties; and after willingly and deliberately bearing the heavy burden which those duties imposed they had the satisfaction of finding that their national industries stood upon their legs, and so they are prosperous now. Therefore, Sir, if a higher duty is to be paid by the consumer to help a national indigenous industry, it is justifiable to impose such a duty In all discussions about protection, one obvious thing that has to be remembered is that protection is justified only because it will help a national indigenous industry If a national indigenous industry can be benefited by protection, it ought to be given If a national industry cannot be benefited by protection, there is no justification for compelling the consumer

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to pay one pice more for an article than what he can get it for from a free market It is clear, therefore, Sir, that if a duty of 20 per cent all-round were imposed, it would benefit the national cotton industry and will be justified

But we are asked, why select the cotton industry for a heavy duty? Why not let the burden of taxation be distributed over other commodities, as has actually been done in this year's Budget It will be said the Honourable the Finance Member has been very considerate in one respect, that he felt perhaps oppressed with the thought that, while higher duties were being levied from the poor, the rich should escape bearing their share of the burden, and that therefore he has tried to distribute the burden in the way he has done He has raised the income-tax—Yes, but along with that has he not also imposed the silver duty, a duty which falls undoubtedly heavily upon the poor, a duty for which there is no justification unless the money raised by it were to be set apart by the free consent of the representatives of the people for some beneficial purpose, to help the people of the country He expects to raise from the silver duty about one crore of rupees, while others think that two crores of rupees will be raised by it, and he has also imposed a duty on oil, which will bring in a large amount which also the poor man has to pay If therefore he had decided to raise the cotton import duty to 20 per cent all-round, the poor man in India would have paid through cotton goods alone, and in that case it would not have been necessary to impose a duty on silver, or a duty on oil, which the poorest of the poor use The higher duty on cotton goods could be justified if there was need for such a heavy addition to the expenditure of the country, to the taxation of the country If you raised the duty to 20 per cent, it is obvious that the burden would still have to be borne by the people, but the other burdens and the other injuries inflicted upon them would have been avoided That has not been done

Now, Sir, what is the situation in which the proposal to impose this duty has been presented, and what are our objections to it? Our first objection to it is that, either the Government of India were right in thinking that Bombay needs more protection or they were not If they were right—as I say they were—in thinking that Bombay needs more protection, they should have agreed to the proposal of the Bombay millowners to impose a 20 per cent duty all round There is even now an amendment before the House, of which notice has been given by my Honourable friend Munshi Iswar Saran If they are even now prepared to do justice to the Bombay millowner, Government can agree to that amendment, and I venture to say that a large body of Members on this side of the House will support Government in that proposal if they will only have the courage and the justice to accept it But our difficulty is that Government are not willing to accept it, and it is this situation that we find ourselves face to face with in this House Our objection to the proposals of Government is now clear We are for a uniform rate of import duty on all cotton imports We do not want that there should be any discrimination and preference introduced in this matter Munshi Iswar Saran's amendment and my amendment both secure a uniform rate and both avoid discrimination and preference Let Government accept either And here, Sir, we are face to face with another situation which is most painful and most humiliating Government

Members, the Honourable the Finance Member and the Honourable the Commerce Member, have both made it plain, they have not concealed it, that their proposal does involve preference to the goods of the United Kingdom They have put it clearly, the Schedule shows it, their proposal shows it, they have made no secret of it What the Finance Member, in his careful speech, said was "We do not ask the Assembly at this stage to commit itself to the principle of Imperial Preference". That is all that he said He never concealed that there was preference in his proposal to British goods He said "We do not ask the Assembly at this stage to commit itself to the principle of Imperial Preference But we put forward a particular proposal, which no doubt gives preference to British goods, but we do not ask the Assembly to adopt a policy or principle of Imperial Preference" But I am grieved to think that that has led some of my friends to rack their brains to find out arguments to support the idea, the absurd and untenable idea, that there is no preference to British goods involved in the proposals of Government Sir, the saddest part of the story is that men of education, men who understand the English language and use it with great ability, should try to find out pleas and excuses for apologising on behalf of Government that they have not introduced any preference to the United Kingdom goods in this Bill Government Members have the dignity not to adopt such a course They tell you that it is preference to the goods of the United Kingdom, and it should be obvious to the meanest understanding that it is so Still we have had many speeches and much argument in this House to try to lead us to think that there was no preference to United Kingdom goods involved in this matter

Now, Sir, what is the justification for such preference? A great deal of discussion has taken place as to what preference is I thought the matter was made very clear when I drew attention to the Fiscal Commission's Report The Fiscal Commission said

"Preference means that goods from one or more favoured countries pay duty at a rate lower than the general rate"

Obviously, the goods of the United Kingdom are to pay duty at a lower rate That is preference clear and simple, and yet very elaborate efforts have been made to persuade us that there is no preference to British goods involved in the Bill Now, Sir, preference can be justified only when it is to the benefit of the country which gives the preference to another country My Honourable friends, the Finance Member and the Commerce Member, have not been able to show how it is to the advantage of India to give this preference to the United Kingdom goods so far as economic interests are concerned My Honourable friend, Mr Chetty, who has disappointed some of his fellow-workers by the attitude he has taken up on this occasion, said that there was an economic benefit to be had. He wanted an economic benefit, others wanted a political benefit But in considering the question of preference to the goods of any particular country, the first thing to consider is the economic benefit Hang all your politics if my people are going to die of starvation. What is the good of talking of a Round Table Conference and a constitution which will come into existence after they have been gathered to their forefathers? You have to protect the interests of the people who live today, and the interests of the people who live today, demand

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that, unless you are giving them some *quid pro quo* for what you are taking out of the poor, you have no right to lay your hands upon their little income or property And what is the economic benefit which is promised to the Indian taxpayer by this preference to British goods" The economic benefit has been explained by my Honourable friend Mr. Birla, it would be the presentation by the Indian taxpayers to the British manufacturer of 2 to 2½ crores of rupees every year for the next three years I thought that the Honourable the Commerce Member would feel that it was his duty to controvert that statement and, if it was not correct, to give the Assembly a correct estimate of the amount which Lancashire would gain from India by this proposal Two and a quarter crores a year for three years was the estimate of a man of business who understands his business I submit, Sir, that is economic benefit to Lancashire and loss to India But that is not all Japan is a competitor with Lancashire in cotton goods in India India also is a humble competitor The Indian cotton industry has been subjected to many handicaps, but by reason of that virtue of efficient and economic management, faulty though it is—and I am not less anxious than any of my Honourable friends on this side that that management should be improved until it beats the management of industry in every other part of the world—still due to such management as Indians have been able to show, this cotton industry has stood its ground so long But the larger competition now is between Lancashire and Japan Lancashire has had a long run and has had practically a monopoly of the Indian market for a very long period I can well understand the pain which every lover of his country must feel in England at the trade of Lancashire being reduced or lost I can very well understand their anxiety that it should not be lost or reduced But when Englishmen take up the service of India and take the oath of allegiance to the King of England who is the Emperor of India, I expect that they will put the interests of India first and foremost in all considerations which affect the relations between the two countries, and in that view what Englishman can say that the Indian cotton industry has injured the trade of England in a material degree during the last five years? The competition has been between Lancashire and Japan Under only one head Lancashire has lost 34 million yards in the last five years, and Japan has gained 33 million yards in the same period India has not added very much to her own production Therefore, the competition is between Lancashire and Japan The principle of protection is therefore absolutely put out of court Lancashire is not a nascent indigenous industry of India Lancashire is an old well-established industry of England, perhaps having the premier position in the world There is certainly no cotton industry of an equal standing in any other part of the world that I know of So well established, having practically a monopoly of this huge market of 320 millions, if Lancashire has failed to keep the position which she had so long enjoyed, that is not to the credit of Lancashire If the Japanese, who have built up their industry during the last few years, have been able to take away so much ground from Lancashire, it must be due to the more efficient management, more economic management by the Japanese of their mills Lancashire should therefore look within itself for an explanation to understand the situation It is rich enough to afford to spend a couple of crore of rupees for a few years. It is rich enough to

spend much more than that in order to maintain its position in competition with another country But what justification can there be for Lancashire asking the poor Indian consumer to bear a loss of two crores and a quarter every year, in order that Lancashire should recover some of the lost ground from Japan or that it should not suffer a greater loss? I cannot understand, Sir, how anybody with any sense of fairness can put forward a proposition like this and defend it? I cannot understand it

Now, Sir, there is another very important fact which I want the Assembly to remember If India were a free country, India could not discriminate against Japan England dare not discriminate against Japan today by imposing any import duty on Japanese goods going into England at a higher rate than it imposes upon the goods of any other country International obligations make it impossible for England to do that, and if India were a free country tomorrow, India would not be able to discriminate against Japan England is taking advantage of our dependence on her, upon our position being subordinate to her, to inflict this wrong upon India and to inflict this wrong upon Japan England is taking advantage of our position I should not say England I am very sorry if in my remarks on this question I used the word "England" and thus accused the people of England of a wrong attitude on the question before us I wish my remarks to apply to the Government of India, because I have no reason to think that the English people have countenanced the proposals of the Government of India Our quarrel is the more painful, because the Members of the Government of India, being in the service of India, have put forward a proposal which inflicts a serious wrong upon her people I wish, Sir, to use a phrase used yesterday by Sir George Rainy I think, talking of the convention he said that, if the Government were bound to accept the view of the Assembly it would be an intolerable position The position in which the Assembly is placed is truly intolerable and I hope the Government of India will yet recognise that the situation demands a reconsideration I have heard the Honourable the Commerce Member express the attitude of the Government in very clear determined words But I do not feel daunted by that fact in asking the Government still to reconsider the matter, and, Sir, if they are willing to do so, we make two offers to them. Either they agree to impose a 20 per cent duty all round on all cotton piecegoods imported into this country and I venture to say that the House will, by an overwhelming majority, lend support to this proposal, or they agree to the amendment which I have put forward, which also imposes a uniform rate on all goods imported into this country, though it secures a little less to Bombay, somewhat less in some matters only, than the proposals of the Government, but it is equally free from the taint of discrimination against any particular country or countries

Now, Sir, I wish the Assembly clearly to understand that I have been driven to this amendment which I have put forward because of the situation created by the Government If the Government would, even now, be willing to agree to a 20 per cent all round duty, I have said, and I repeat it, I will support it But when we found the Government unwilling to do so, we put our heads together and have put forward the best proposal that we thought could be made in the situation And let me say here, in support of what my Honourable friend Mr Neogy said, that it is extremely unfortunate that a Bill of the importance of the Bill before us has not been referred to a Select Committee If it were, all the facts and the figures produced from either side could be very fully tested, and it would have been possible to put forward proposals which could be communicated, if

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the Government so desired, to His Majesty's Government also for their approval, and which they could have laid before the Government of India as a whole with the authority of the Select Committee

Mr. President: Not too late yet

Pandit Madan Mohan Malaviya: True, Sir Only there is a feeling of despair How long is this unequal fight to be maintained? Our numbers are weak Our stamina, I grieve to say, is weak, and there is a desire to escape from this situation as early as may be The sufferings of the people are not sufficiently stirring the hearts of many of us, I am sorry to confess, and we feel that, as there is no likelihood of the Government accepting any suggestion from us, the sooner we get away from this place, the better Now, Sir, if there were a Select Committee, the position would have been much better I say this, in addition to the reasons advanced by my Honourable friend, Mr Neogy, for this reason The Government of India have, to my mind, deteriorated very much during the last few years I do not know what the "Government of India" now mean, Sir In the statute, the "Government of India" mean a Government consisting of so many Members of the Executive Council There used to be many more meetings of the Council, I understand, in days gone by than there are now, there used to be many more despatches, some of which I have had the pleasure of reading, than there are now I do not know, Sir, in what way the present proposal was originally dealt with It is important to remember that, even when a matter has been dealt with only by a Secretary to the Government of India, and when a matter has been disposed of by the Secretary after the approval of the Member has been obtained by him, the decision is issued in the name of the Governor General in Council There is not the smallest indication given whether a Member of the Government of India was present or was consulted before a particular decision was arrived at And latterly there has been a frequent practice of settling things by cablegram between England and India the despatches of old some of which gave us help in discussing public questions, are becoming more and more rare So I do not know whether, in this matter, this departure from the old practice of the Government of India has been to our advantage I dare not pry into the secrets of the Government of India, I have not sought to meet any Member of the Government of India in connection with this question If they have their secrets to keep, we have our own self-respect also to keep But I do not know in what position this matter has been before the Government of India, and whether all the views expressed in this Assembly from the time when the Bill was introduced have been discussed by the Members of the Government of India and if they have been, I should like to know what opinion every individual Member of the Government of India recorded If it has not been done, the responsibility for not doing it lies upon the Members of the Government of India If it has been done, there should be no hesitation on the part of the Government of India in letting us know how the matter has stood Sir, my complaint becomes therefore the stronger that the matter was not referred to a Select Committee, because, if the matter were referred to a Select Committee, the pros and cons of it would have been weighed, and possibly, in that Select Committee, the Honourable the Commerce and the Honourable the Finance Member, who are the keepers of the conscience of the Government of India in this matter, might have felt the justice of listening to the recommendations of the Select Committee That has not been done, and so Sir this Bill comes before this House in its

present form, for which the procedure of a Select Committee, which has been provided in the Government of India Act has not been available We have to explain our own proposals in this House, and I wish to explain the exact difference between the amendment which I have put forward and the proposal of the Government of India Honourable Members are aware, Sir, that the Government of India have accepted the amendment which has been moved by my Honourable friend Mr Shanmukham Chetty Some Members are very grateful to the Government of India for what they have done I am also grateful to the Government of India, for we must be thankful for small mercies, however small the mercies may be But what virtue have they shown in accepting that amendment? The questions which I have put and the answers which I have got have made it clear that what is now Mr Chetty's amendment was the original proposal of the Government when it went up to the Secretary of State Why the Government of India did not put that original proposal in the Bill which they introduced in this House has not been explained. Was it because they wanted to keep that up their sleeve in order that, if there were some Members in this House, who are not statesman-like, who insisted on fighting on this question of preference to English goods, the Government might make a concession by agreeing to an amendment like Mr Chetty's? But, however that may be, for that reason the Government cannot claim any virtue for having accepted the amendment of Mr Shanmukham Chetty, because it is part of their own original proposal communicated to His Majesty's Government But how far have I advanced the position? I confess to my regret that I have not done very much by my amendment for rescuing the consumers of this country from what amounts to a heavy burden in the circumstances of the case, but my proposal goes beyond Mr Shanmukham Chetty's in this Mr Shanmukham Chetty's proposal is that there should be a duty of 15 per cent or 3¼ annas per pound whichever is higher on all plain grey goods That is part of his proposal If that were the only proposal which Mr Shanmukham Chetty had made, he and I would have been very much closer to each other, as we used to be in the past and, as I hope, we may yet be in future, but he proposes to limit this duty to goods of British manufacture only, and has gone on to propose a duty of 20 per cent or 3¼ annas per pound whichever is higher, against plain grey goods not of British manufacture He has also proposed a discriminating duty of 15 and 20 per cent on goods of British and non-British manufacture I have avoided all discrimination and have proposed a uniform duty of 15 per cent or 3¼ annas per pound whichever is higher against all cotton goods imported into this country That is the difference between the proposal of my Honourable friend and mine Government have expressed their willingness to accept Mr Shanmukham Chetty's amendment. That amendment of my friend means that there would be a duty of 3¼ annas per pound on only plain grey goods of British manufacture. But there are English cotton piece goods other than plain grey goods which come into this country I do not see any justification for exempting them from the operation of the duty There is an idea that these other bordered or coloured goods, as they are called, particularly large quantities of dhotis which are imported from Lancashire, do not compete with the Indian product But my Honourable friend, Mr. Ghanshyam Das Birla, has shown that that is not the correct position Let me quote his own words He said

"I propose to lay on the table, for inspection by this House, samples of dhotis which will show that there are dhotis imported from Manchester in very large quantities made out of finer counts and yet they compete with dhotis of coarser counts made in

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India The reason is obvious The Manchester dhoti, although very inferior so far as durability is concerned, is sold at Rs 2 per pair, while the Indian made dhoti, although nearly 100 per cent more durable than the Manchester dhoti, is sold at Rs 2-6-0 or Rs 2 7-0 per pair" "In a country where poverty is rampant," *my friend went on to add*, "and the poor have got to live on two annas per day, it is not at all surprising that a man prefers to buy a cloth which is far less durable, merely because it is a little cheaper, than a similar cloth which is far more durable but slightly dearer Dhotis from Manchester do compete therefore with Indian goods, and if you allow this to continue, you will have, on the figures quoted by Mr Shanmukham Chetty, a keen competition going on against not only the products of the Bombay mills, but against the products of our Indian mills"

Is there any justification for exempting these dhotis, these coloured and bordered goods from the duty? Is there any justification for this discrimination? I submit not Therefore my amendment seeks that there should be one uniform duty on all cotton goods imported into India And I cannot see any reason why the Government should not accept this amendment

Now, Sir, the Government ought to think primarily of the interests of the consumer, and if you allow so much of competition to go on with the products of the Indian mills, the result must be disastrous to India, and I beg the House further to consider in what insidious way this will work against our own industry At present, owing to the competition from Japan and England, prices are kept at a certain level The Japanese sell their things cheap I do not know if they are always good, nor can I say that the English goods are always good now There was a time when they used to be, but opinions differ now It is said the concern of the Lancashire manufacturer is not that he should supply goods which would be durable but goods which are cheap which the poor man is attracted to buy. The Japanese have tried to lower their prices, and they have secured a market in India Lancashire must reduce its prices in order to compete with the Japanese It would be bound to, and the result will be that Indian consumers will purchase these foreign cloths at a cheaper price than they will do otherwise In such a situation what does the Government proposal mean? It means this The Government say, "We shall not allow this to go on This has gone on for five years to the detriment of Lancashire We shall shut out the Japanese by raising a tariff wall against them 5 per cent higher than against British goods" Now, what do we give to the Lancashire people? We give them the advantage of a 5 per cent lower duty, and they bring in their goods in a larger quantity, they practically secure a monopoly of the Indian market and they will then raise their prices .

Mr. President: Order, order, I think the Honourable Member needs some rest before he proceeds further

The Assembly then adjourned for Lunch till a Quarter Past Two of the Clock

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The Assembly re-assembled after Lunch at Twenty Minutes Past Two of the Clock, Mr President in the Chair

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Mr. President: I think the Honourable the Leader of the Opposition should have set a better example I hope he realises that he has incurred the displeasure of the Chair

Pandit Madan Mohan Malaviya: I am sorry, Sir I apologise to the Chair My health is unfortunately bad at this juncture I apologise not only to the Chair but also to all the Members of the House for being late

I have pointed out, Sir, the difference between the amendment of my Honourable friend, Mr Chetty, and mine, and I hope I have given sufficient reasons to the House to appreciate that difference I do not understand why the Government who are willing to give the higher protection to the Indian cotton industry should be unwilling to give the somewhat lower protection that I am asking for If their solicitude for the Bombay industry is genuine, I cannot understand why when they are prepared to give the larger protection of their present proposals, they object to give the somewhat lesser protection that I am pleading for My difficulty is not with the Government alone My difficulty is with my old colleagues also I am grieved to find that, placed in the situation in which we find ourselves, my Bombay friends in particular and many other friends in the Assembly are acting under a sense of coercion, of the terrorisation which the Government have adopted It is a most unusual course, a course unprecedented in the history of legislation, even in this country I have known occasions, and you will, Sir, remember one very important occasion, the passage of the Rowlatt Bill through the Imperial Legislative Council, when in the teeth of protests of all Indian Members of the Council the Government carried the Bill through But even on that occasion the Government did not start by telling the Council that, come what may, however strong, earnest and deep the opposition of the Indian Members, however unanimous the opposition of the Indian Members, the Government would not listen to any suggestion for any change On this occasion the Government have adopted this unprecedented attitude Practically, at the stage of the introduction of the Bill, the Honourable the Commerce Member told this House that the Government were not prepared to accept any substantial changes in the Bill even if they were passed by a majority of the Members of this Assembly That, I submit, is unprecedented and is indescribably wrong This expression of the opinion of the Government has unnerved many of my fellow Members of the Assembly. I am sorry to think that it has been so Many of my Bombay millowner friends and the representatives of the Bombay mill industry and other friends of the Indian cotton industry are acting now under the sense of this threat, which is not a mere threat, but a declaration of the determined view of the Government They are face to face with this situation, that they must either accept the cup of milk which the Government are presenting to them, but which contains, even according to the opinion of those who are willing to accept it, a dose of poison, or they should allow this great national industry, the cotton industry of India, to perish now and have no chance of reviving I submit, Sir, it is not surprising that, in this situation, many Honourable Members feel that the battle is lost before it is begun, that it is no good fighting, that you might as well break your heads against a stone wall, or throw yourself into the burning fire, as attempt to stand between the decision of the Government and the Bombay cotton industry. Many a Member, sound and sensible, who has realised that Imperial Preference which is being practically forced upon us is an evil has said "What are we to do? The Government are adamant, and we do not want to wreck the Bombay industry" My Honourable friend, Mr Jinnah also has succumbed to that situation I am grieved to think that it should be so. On another occasion, my very esteemed friend, Mr Jinnah, and some other friends succumbed to the proposals of Government in the matter of

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preference to British steel I do not think there is one Member today who voted for it who does not realise that that was a mistake and that the country has suffered by reason of the attitude then taken by him Today we are face to face with this grave situation, and several of my friends say that they find themselves hopeless and helpless, because the Government have taken up this attitude And they ask us to tell them how we can save the Bombay industry if we oppose the proposal of the Government My Honourable friend, Mr. Jinnah, put a direct question to the Government Member, if we carry the amendment which stands in my name or any other amendment like it, what will be the attitude of Government? The Government had no hesitation in saying that, if my amendment or any of the three or four other amendments was carried, they would withdraw the Bill And, then my friends found themselves in this position, that if they do not accept the proposal of Government, including preference to the United Kingdom goods, the Bombay industry stands the chance of being ruined In that strain many an Indian has spoken

Far be it from me to accuse any of my fellow brethren They are acting as people placed in a condition of subjection to a foreign power find themselves compelled to act They are acting under the coercion of this legalised despotism that is being carried on. (*Cries of* "Shame" from Non-Official Benches) They have succumbed to it My Bombay friends have pleaded with us that we should not wreck the Bill I have myself received telegrams and representations from many quarters, mostly from Bombay, imploring me not to wreck the Bill and not to wreck the Bombay cotton industry Some friends have gone to the length of reminding me what I owe them gratitude for many favours done to me in the past They subscribed munificently to the Hindu University of Benares when I went to Bombay to ask for their help, and they also subscribed munificently to the Tilak Swaraj Fund when Mahatma Gandhi asked for the Fund the support of the country I am a human being, and I grieve to think that I should be acting in opposition to the wishes and opinions of friends who have been friends to me for twenty-five, thirty or more years, that I am acting in opposition to the wishes of those who are carrying on this great cotton industry under very difficult circumstances But I would be false to myself and to my God if I allowed the interests of the Hindu University or any other interest to stand between me and the interests of my country (Loud Non-Official Applause) If it were necessary to sacrifice a hundred Hindu Universities, I hope God will give me the strength to sacrifice them without any hesitation and not to sacrifice the interests of my country (Loud Applause) I hope my Bombay friends will realise that I am not acting in a light-hearted fashion. I have weighed all the consequences, and I find that, while the proposals of Government will give them a temporary relief, an apparent relief, there is that insidious poison of the bounty to Lancashire which will in the long run, work disaster to the Bombay industry and to the industry of India I realise that, to present a bonus of 2½ crores, or something like it, to a well and long-established industry like that of Lancashire at this juncture, to enable it to secure the whole of the Indian market, will be to hand over that market for a long time to come to Lancashire. I realise that that would mean that the Bombay industry would not be able to stand the competition of Lancashire for any length of time. I want Bombay to live, I want the Bombay industry to live, but if it is necessary for me to choose between my country and sacrificing the Bombay industry, I will have no hesitation in sacrificing it at the altar of

my country as a whole (Loud Non-Official Applause) My country is my first concern and my last concern Bombay cannot live if India perishes. Bombay cannot prosper if India is impoverished and degraded and if there is depression all over the land Today, Bombay is still producing a very large quantity of cotton goods, but does it find a market for them? Do the Indian manufacturers find a market for all the quantity of cloth that they produce? They cannot, they do not If the Indian people are impoverished, no industry can prosper Am I to forget, am I to overlook this important view, this large view, and succumb to the fears which have taken possession of the hearts of my Bombay friends? I fear that if this Bill is passed, the Bombay industry will find to its cost that it cannot stand the competition of Lancashire after the reorganisation which is going on there, and Bombay will rue the day when it offered its support and pressed us to support the Bill of Government

Now, Sir, this being the position, what is the duty that lies upon us at this juncture? Our duty is clear In matters economic, we must look straight to the reality of things We find our indigenous industry is exposed to competition and to danger Our duty is to find what amount of protection it needs, and to give that protection with open eyes, remembering that, whatever protection is given to an indigenous industry, re-circulates among the people It is like water sent out into a garden, it plants, it supports and nourishes every plant and every tree in the garden, but if the water of a garden is drawn up by the scorching rays of foreign administration and showered upon a distant land, then the land from which it has been drawn must inevitably suffer (Hear, hear) We do not think it right that any protection which we should offer should redound to the advantage of any one except the people of the country who will make the sacrifice involved in giving that protection (Hear, hear) The consumers of India who are asked to bear the burden of the higher duty are entitled to know whether, in our judgment, it is right to impose that burden upon them The example of many foreign countries tells us what is the right course to pursue in the modern conditions of life to protect the cotton industries of our country That being so, what is the attitude we should adopt at this moment, with this declaration of the Government, with this prospect of the Bill being wrecked if we carry this amendment? I ask my Honourable friends in all humility and in all love to cast off fear from their minds, to dare to be right, to dare to be just (Hear, hear) and to trust in the justice of God to help us and win our cause What is this Government? What is the power of this Government before the power of the Supreme Ruler who rules over the Universe? Let everybody in the world know that this Government of India, as it is called, taking advantage, taking mean advantage of the situation (Hear, hear) in which we find ourselves, offers us a cup of milk in which there is a big drop of poison, and I implore you to have the good sense to refuse to take that milk, and to insist that we shall have a pure and clear cup of milk by reason of our birthright as the people of this great country (Hear, hear) Accept my amendment, if it appeals to you as the right amendment Present it to Government, let the Government then take the responsibility of rejecting the proposal which is passed by a majority of this Assembly Let them take that responsibility, let the world know the reality of things, and I venture to say that the Government will tremble in their shoes a long while before they decide to reject the opinion of the majority of the elected Members of this House (Hear, hear)

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If they do so, there are other means open to you I have been asked, "What about the loss to Bombay while you are indulging in your patriotism?" My submission is, there will be very little loss to Bombay, if Bombay has the support of the whole country Every honest, honourable man, every honest Indian should take a vow that he shall not use a bit of English cloth if this Bill is passed There is such a thing as the people of a country and the Government of India do not compare, are not worth mentioning in comparison with the great people of this country, if their indignation is roused against a measure passed in this Assembly with the help of official votes against the opinions of the elected representatives of the people That is the help which you can render to the Bombay industry I do not want. I do not wish that Bombay should antagonise the rest of India, that the people should feel that, owing to the fears entertained by some friends in Bombay, and those who are representing them here, the elected Members of this Assembly voted a sum of 2½ crores a year to Lancashire Do not let that feeling go throughout the length and breadth of India It will hurt Bombay much more than the measure which the Government are giving it will help For this reason I ask every elected Member of this Assembly to support my amendment and to present it to the Government

Now, Sir, I am reminded at this stage of the attitude which the Government have taken in regard to the convention of fiscal autonomy The exposition of the fiscal autonomy convention, I am told, made by the Honourable the Commerce Member yesterday leaves no room for me to discuss this question I am told, I am wasting my breath and incurring great risk in doing so Perhaps, I am, but while there is breath in me, let me protest with all the strength I can command against the impudent claim put forward by the Honourable the Commerce Member that the Government of India, acting by themselves, without the agreement of this Assembly, can practically decide what taxation shall be imposed upon the people (Shame) The Government of India said, this convention means this, that you have got Dominion Status in fiscal matters, but not Dominion Government, that the initiative must always rest with the executive Government, a proposition which nobody will question, that if the initiative taken by the Government is accepted by the Assembly, there is harmony, but if it does not meet with the acceptance of this Assembly, then the Government are the masters of the situation in the sense that they can withdraw the proposal that they have made and leave the country and the industry or interest concerned to perish That they have that power, and they tell you that they are prepared to exercise that power, they are determined to exercise that power, that they will withdraw the Bill if the Assembly does not accept the proposal they have put forward This is dictation of the worst kind I have read or heard of in any country's history We are asked practically to register the decree of the executive Government Whatever our sentiments, whatever our judgments, however strong our grounds for opposing it, we must either accept what they give us or see one of our great national industries perish Is that the convention? Does the Honourable Member seriously think, in his heart of hearts, that that is the spirit of the fiscal autonomy convention? I say, he cannot The moment he realises the implications of it, he must recoil from the position he has taken up The fiscal autonomy convention, said

the Honourable the Commerce Member, is a reality, it is not a sham I say, yes, it is a reality, and because it is a reality, we want to prove it a reality, and if you do not accept the verdict of the majority of the Assembly, you will have proved that your assertion is not correct. This is the position If you accept the verdict of the majority of this Assembly, you will prove that it is a reality What is that convention? The Secretary of State used to exercise the power of superintendence, control and direction in that matter of taxation, as in other matters in India until the fiscal convention was established But when the reforms were introduced, there was a Joint Select Committee of Parliament appointed That Joint Select Committee considered the question and laid down a very simple and clear proposition I wish, with your permission, Sir, to read again a passage which has been read twice before in this House, but it is very important to draw attention to its language The Joint Select Committee said in discussing clause 33

"The Committee have given most careful consideration to the relations of the Secretary of State with the Government of India, and through it with the Provincial Governments In the relations of the Secretary of State with the Governor General in Council the Committee are not of opinion that any statutory change can be made, so long as the Governor General remains responsible to Parliament, but in practice the conventions which now govern these relations may wisely be modified to meet fresh circumstances, caused by the creation of a Legislative Assembly with a large elected majority In the exercise of his responsibility to Parliament which he cannot delegate to any one else, the Secretary of State may reasonably consider that only in exceptional circumstances should he be called upon to intervene in matters of purely Indian interest where the Government and the Legislature of India are in agreement

"This examination of the general proposition leads inevitably to the consideration of one special case of non intervention Nothing is more likely to endanger the good relations between India and Great Britain than a belief that India's fiscal policy is dictated from Whitehall in the interests of the trade of Great Britain That such a belief exists at the moment there can be no doubt That there ought to be no room for it in the future is equally clear India's position in the Imperial Conference opened the door to negotiation between India and the rest of the Empire, but negotiation without power to legislate is likely to remain ineffective A satisfactory solution of the question can only be guaranteed by the grant of liberty to the Government of India to devise those tariff arrangements which seem best fitted to India's needs as an integral portion of the British Empire It cannot be guaranteed by statute without limiting the ultimate power of Parliament to control the administration of India, and without limiting the power of veto which rests in the Crown, and neither of these limitations finds a place in any of the statutes in the British Empire It can only therefore be assured by an acknowledgment of a convention Whatever be the right fiscal policy for India, for the needs of her consumers as well as for her manufacturers, it is quite clear that she should have the same liberty to consider her interests as Great Britain, Australia, New Zealand, Canada and South Africa In the opinion of the Committee, therefore, the Secretary of State should, as far as possible, avoid interference on this subject when the Government of India and its Legislature are in agreement, and they think that his intervention, when it does take place, should be limited to safeguarding the international obligations of the Empire or any fiscal arrangements within the Empire to which His Majesty's Government is a party"

May I ask the attention of the House to the very important points that are mentioned in this recommendation of the Joint Select Committee? The Legislature and the Government are to be in agreement and the opinion of the Legislature, which has been created with a large elected majority, is to be respected We are reminded that the only question to be determined is what is in the best interests of the consumers in India as well as of the manufacturers in India, and they say that India should have the same liberty to consider her interests as Great Britain, Australia, Canada, New Zealand, and South Africa But says the Honourable the Commerce Member, "You have got Dominion Status here, but you have not got Dominion Government" If we had Dominion Government, would

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the Noble Lords and the other members of the Joint Select Committee have been so foolish as to waste their time and trouble over writing this paragraph? Where was the necessity for this recommendation of the Joint Select Committee if Dominion Government had been established in full? It is because we have not got Dominion Government, they pointed out that, in this matter of fiscal autonomy, Dominion Status should come into action, and that is a view which is supported further by what Lord Crewe's Committee had recommended My Honourable friend, Mr Neogy, drew the attention of the House to two passages in that Report which are of great importance in this connection They said in paragraph 16

"In examination of the Budget, and in criticism of general administration, the Legislative Assembly can express its views only by means of resolutions and these will continue to be advisory in character without legal sanction Government may accept a resolution either because they agree at the outset or because they decide to defer to the opinion of the Assembly Where for any reasons reference to the Secretary of State is considered necessary, we recommend that a joint decision of the Government of India and a majority of the non official Members of the Assembly reached by discussion of a resolution should be given the same degree of authority as similar decisions on legislative proposals and that the principle we have stated in paragraph 15 should be applied in this case also"

I invite the attention of the House to the words, "A joint decision of the Government of India and a majority of the non-official Members of the Assembly" upon which the Committee laid stress Paragraph 15 referred to above runs as follows

"In normal cases where legislation comes before the Secretary of State it must already have received the assent of the Governor General and must have been passed by a majority of votes in the Council of State and in the Legislative Assembly But in as much as there is a substantial official vote "

—I beg every Honourable Member of the House to note these words—

"But in as much as there is a substantial official vote in the latter body" (the Legislative Assembly) "and normally an offical majority in the former" (the Council of State), "it follows that the measure has not necessarily the support of a majority of the non official Members in either Chamber"

They say with reference to a measure which has been passed both by the Legislative Assembly and the Council of State, that it has not necessarily the support of a majority of non-official Members in either Chamber And they go on to say

"In order, therefore, to give proper emphasis to the legislative authority of the Assembly, we recommend that whenever legislation has the support of a majority of the non official Members of the Legislative Assembly, assent should be refused only in cases in which the Secretary of State feels that his responsibility for the peace, order and good government of India, or paramount considerations of Imperial policy require him to secure reconsideration of the matter at issue by the Legislative Assembly"

You have it clearly laid down by Lord Crewe's Committee that, in all such matters, what you have to look for is the support of a majority of the non-official Members of the Legislative Assembly. Now, Sir, in the face of this very clear and authoritative proposition, laid down by Lord Crewe's Committee, how is the Honourable the Commerce Member justified in telling this House that, even if this House passes an amendment by a majority of the votes of this House, the Government will not adopt it?

Recently Sir, the Honourable the Commerce Member also referred to the statement made by the Secretary of State that Dominion Status was already in motion and has been in practice for ten years. Even now, while this discussion has been going on in this House, we have a statement cabled to us from London in which Mr Wedgewood Benn is reported to have said

"In answer to a question by Sir William Davison whether Government had approved of the Government of India's proposal, in view of its opposition to preferential tariffs Mr Wedgewood Benn stated, 'I am called upon to protect the fiscal rights of India which I intend to do'

"Mr Hammersley suggested that there had been a change of policy" (in respect of Mr Chetty's amendment) "since representations were made, but Government had taken no steps

Mr Benn replied that the Cabinet's considered views were sent by telegram on the 7th February, to the Government of India They had to have regard to the established rights of India and the Assembly in these matters"

"The established and indisputable rights of India and the Assembly in these matters' What are these rights except those that I have drawn your attention to in the recommendations of the Crewe's Committee and the Joint Select Committee" Sir, I cannot understand how the Government of India imagine that their position in this case is anything different from what has been laid down here The reality of the fiscal autonomy convention demands that, though the initiative for putting forward proposals of a legislative character, particularly proposals of taxation, rests with the Government of India, as it rests with the executive in every country, once the proposals have been laid before the Assembly the Government of India should consider themselves bound to defer to the opinion of this House, even though it has not been laid down by the statute, because this convention has been established to prevent a dead-lock arising on such an occasion Sir, I submit that in the cablegrams, which were exchanged between the Government of India and His Majesty's Government, that was the position which was present to the mind of the Government of India, because in one of the cablegrams, the Government of India clearly said that they would solicit the most free consent of the Legislature on their proposal, and they repeated, in two places, that the final decision must rest with the Legislative Assembly I submit, therefore, Sir, that this matter requires clearing up, and that the Government of India ought to recognise that

The Honourable Sir George Rainy (Member for Commerce and Railways) I apologise to the Honourable Member for interrupting My correction is purely verbal The exact phrase used is, "The most free expression of opinion"

Mr. President: And the final decision will rest with the Assembly

The Honourable Sir George Rainy: I understood that the Honourable Pandit used the words "free consent"

Pandit Madan Mohan Malaviya: I thank the Honourable the Commerce Member. They did say

"We desire also to make it clear that in a matter of this kind, after frankly stating our case, we should desire to solicit the most free expression of opinion from the Legislature with whom the final decision must rest."

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I thank my Honourable friend for the correction But it leaves the position quite as strong as it was before For, the words used are, "The most free expression of opinion from the Legislature with whom the final decision must rest", *must rest* (Hear, hear) I ask for nothing more than that the Government of India should act up to what they stated in this cablegram (Hear, hear) In this connection I may invite the attention of the Government of India again to the opinion expressed by the majority of the Fiscal Commission In paragraph 262, the Majority of the Fiscal Commission say

3 P M

'We recognise that the question of Imperial Preference is one which can only be determined in accordance with Indian opinion, and that the Indian view can be best ascertained by reference to the Council of State and the Legislative Assembly, without whose free consent no such policy can be adopted"

It is from this passage that I took the words "free consent", and I am sure that the Honourable the Commerce Member will not refuse to these words of the Fiscal Commission the same weight that he would attach to the words used by the Government of India in their cablegram to the Secretary of State Now, Sir, I submit that, in view of all to which I have drawn attention, the Government of India should adopt the correct position in this matter which is this The Government of India, as the executive Government, initiate proposals We have not the power to do that, nor do we claim that we have Once the proposals have been laid before this Assembly, in the very language used by the Government of India in their cablegram, they should solicit the most free expression of opinion of this Assembly and remember that, with this Assembly, the final decision must rest That, I submit, is the convention which has been established If it were otherwise, it will come to this My Honourable friend, the Commerce Member, in discussing to whom the Government of India were responsible, said the previous consultation with the Secretary of State was of course to be had But after that, the final decision as to what proposal it will place before this Legislature rested with the Government of India I do not quarrel with my Honourable friend for that statement I concede that the final decision as to what proposals the Government of India will place before the Legislature rests with the Government of India But I say that, beyond that, once that has been done, in the language used by the Government of India themselves in the cablegram, the most free expression of opinion of this Assembly should be solicited and the final decision must rest with the Assembly But, said the Honourable the Commerce Member, if according to the sense of responsibility they owe for the administration of this country, the Government of India cannot accept it, they are not to be forced to do so

I submit, Sir, that on this occasion, having dealt with the theoretical aspect of it, having discussed the principle of the fiscal convention, I appeal to every Member of this House and the Government to consider what the situation at present is I am not asking the House to pronounce a verdict on that question I am taking the facts as they are The Government of India have put forward a proposal for giving a certain measure of protection, say, X to the Bombay cotton industry or the Indian cotton industry If the Assembly ask for X + 1 measure of protection, I can understand the Government of India saying, "This is

more than we have decided to give, what we think it right to agree to give, and we cannot aggree to it" But if the Assembly asks for X—1 can anybody say that the Government of India will be right in refusing to accept the decision of the Assembly, when it does not ask them to go beyond their own decision, but asks them to agree to something less than they have decided upon? That is the proposal I put before the Government and the Assembly The Government of India have proposed a 20 per cent duty with a minimum of 3½ annas per pound on plain grey goods from outside the United Kingdom, and a 15 per cent or 3½ annas per lb on plain grey from the United Kingdom My proposal is a 15 per cent all round, with a minimum of 3½ annas per pound whichever is higher Will anybody try to persuade himself or others that my proposal is less than the proposal of the Government of India? Or will anybody try to persuade us that a part is greater than the whole in this instance? If we asked the Government of India to agree to something which was beyond what they had proposed, I could understand them saying, "In the discharge of the responsibility which we hold according to our light rests upon us, we cannot agree to it", but when it is something less that is suggested, with what justification can the Government of India say, "Even if you pass it by a majority, we shall not accept the proposal, but will withdraw the Bill" I submit, Sir, this position is utterly untenable It cannot be justified by any canon of reason or justice If the Government would look at the matter in this clear light, there should be no difficulty on their side in accepting my amendment But, Sir, my words are too feeble to find acceptance from the Government The Government Member has expounded the view of the Government of India as to what this fiscal autonomy convention is He has told us, Sir, that the Governement of India have framed their proposals, and when there is no agreement between them and the Legislature, the Government of India cannot accept any of the many proposals which are before the Assembly, because the Government of India cannot divest themselves of the responsibility which rests upon them Those are the words used by the Honourable the Commerce Member "We cannot divest ourselves of this responsibility, it will be an abnegation of its functions by Government

Mr. M. R. Jayakar (Bombay City Non-Muhammadan Urban) May I know, Sir, on a point of information, whether the view which was enunciated by the Honourable the Commerce Member as regards the interpretation of the fiscal convention is the view of the entire Government of India, and if so, whether it has the approval of the Secretary of State?

The Honourable Sir George Rainy: As I explained to the House yesterday, all I can say is that that is the view which the Government of India take of this convention

Mr. M. R. Jayakar: Has it secured the approval of the Secretary of State?

The Honourable Sir George Rainy: There is every reason to think so, Sir

Pandit Madan Mohan Malaviya: I am surprised, Sir, at the answer which the Honourable the Commerce Member has given In view of the cable which I drew attention to a little while ago, I find it difficult to reconcile the Honourable the Commerce Member's statement with the

[Pandit Madan Mohan Malaviya.]

report published by the cable, in which it is stated that Mr Wedgewood Benn stated, in answer to a question in the House of Commons, on the subject of the Indian cotton duties, that he had never suggested preferential treatment for goods from Britain, the suggestion originated in India Then he went on to say, "I am called upon to protect the fiscal rights of India which I intend to do", and he said they had to have regard to the established and indisputable rights of India and the Assembly in these matters When, Sir, Mr Wedgewood Benn said that he was called upon to protect the fiscal rights of India, which he intends to do, I thought there was some room left, some ray of hope left, that, if the Government of India and the Assembly differed, the matter might be referred to the Secretary of State and that he might, by the grace of Providence, be inspired to act justly to India But the statement of the Honourable the Commerce Member would seem to show, either that this report was incorrect, or that he had received some further communication, since this report was published from the Secretary of State, which justified him in making the statement which he has made If he has, it is only fair to this House that he should let us know

The Honourable Sir George Rainy: No, Sir, I have had no further communication

Pandit Madan Mohan Malaviya: Then, I submit, Sir, probably the House will agree with me, that the Honourable the Commerce Member is not justified in saying that he has reason to think that his view has the approval of the Secretary of State But, Sir, this raises a very important question to which I invite your attention This House is called upon to legislate, to pass this Bill, which is before the House, into law The statute is silent as to what is to be done in a matter like this The Joint Select Committee's Report and the Crewe Committee's Report have made it clear and the Fiscal Commission have made it clear that the decision must rest with the Government of India, acting in agreement with the majority of the non-official Members of the Assembly The Honourable the Commerce Member has given this Assembly his own interpretation of this convention I have endeavoured, in my humble way, to place my interpretation of this convention before this House, other Members before me have tried to do that You, Sir, preside over this Assembly This is a matter of such supreme importance to the people of this country, that I must appeal to you to decide and to give a ruling to this Assembly on this very important question which involves a most important issue I beg you to help us by an expression of your considered opinion as the Speaker of this Assembly, as the President of this Assembly, whether, in view of all that has been placed before this Assembly by the Government Members, the Honourable the Commerce Member and the Honourable the Finance Member, and ourselves on this side of the House, whether the interpretation put by the Honourable Sir George Rainy on the convention is correct and consistent with the recent declaration of the Secretary of State I would also request you, Sir, to give us a clear guidance, by a ruling, whether the attitude, taken up by the Government that they have not an open mind in regard to my amendment, and that, if that or any other amendment referred to by them is accepted by the House, they will not further proceed with the Bill, is consistent

with the fiscal autonomy convention And lastly, Sir, whether the official and nominated Members are entitled to record their votes on a division on this Bill I have put these propositions before you, Sir, because, in the state of opinion that now prevails on either side of the House, it is impossible for many Members to come to a clear conclusion as to the rights of this House and of the Government in regard to this matter. So far as the last proposition is concerned, whether the official and nominated Members are entitled to record their votes on a division on this Bill, I beg you to give us your guidance on this matter, because, from the language used in Lord Crewe's Committee's Report it is clear that what that Committee recommended was that a matter like this should be decided by a majority of the votes of the non-official Members of the Assembly. They foresaw, Sir, that with an elected majority with a large number of official Members in this Assembly and a majority of official and nominated Members in the Council of State, a position like this was likely to arise That position has arisen The only solution which the Honourable the Commerce Member suggested was the establishment of Dominion Government.

The Honourable the Commerce Member said there was Dominion Status in action, but there was no Dominion Government in existence, and if we are to wait according to his interpretation, we must wait until we get Dominion Government in existence here, until then we should be at the mercy of the Government of India in regard to any proposal for the relief of any industry, however urgently protection may be needed. Is that the position, Sir? Have we to be entirely at the mercy of the executive Government, even when the majority of the Assembly supports the major part of the proposal of the Government and asks for only a little variation from it, or are the Government bound, under such circumstances, to defer to the opinion of this Assembly, to accept their verdict for a change in their proposals so long as it does not exceed, at any rate, the original proposals put forward by them? These are questions, Sir, which I beg you to consider and to help the House with your opinion on them I do not think, Sir, at this stage, I can usefully take up any more time of the House I feel that it is very important that, in a matter like this, the Assembly should have the benefit of your considered opinion to guide it in the dark situation in which it has the misfortune to find itself

Sir Hari Singh Gour: (Central Provinces Hindi Divisions Non-Muhammadan) Sir, there are one or two observations

Mr. President: I would like the Honourable Member to confine himself to the points raised by the Honourable Pandit.

Sir Hari Singh Gour: That is exactly the point, Sir, upon which I propose to address the House There are one or two observations which have fallen from the Honourable the Commerce Member against which this House must distinctly and emphatically enter its protest The Honourable the Commerce Member is reported to have said—I give you his *ipsissima verba*. He says this:

"If the Government and the Legislature are not in agreement there is no means of evading that deadlock under the present constitution till",—

[Sir Hari Singh Gour]

mark these words please,—

"by persuasion one side is won over by the other While therefore in the sphere of tariffs India already possesses Dominion Status, it does not yet possess the Dominion Constitution."

Now, the words which the Commerce Member has used give away his whole case. He says that, under the present constitution, it is till by persuasion one side or the other is won over by the other Sir, the Joint Parliamentary Committee have laid it down that in the matter of fiscal autonomy, the Government are to act in agreement with the Legislature Now, I ask the Commerce Member, how are the Government to act in agreement with the Legislature when they do not consult the Legislature, or keep an open mind to be convinced by the Legislature? I am perfectly prepared to admit, and my friend Pandit Malaviya has conceded it, that the initiative should primarily rest with the Government of India, but the initiative being taken, it was the duty of the Government of India to come before this House and say we do not stand committed to this view because our decision must be in agreement with yours, and therefore by the only constitutional method open to us by consultation, by compromise, it may be by a decision of the Select Committee, we shall come to an agreement, and it is only then that the Legislature and the Government can be said to have come to an agreement Now, what is the position? The Government come before us and say, "We do not care what you think, much less do we care what you say, all we do care is that you should agree with us, and if you don't so much the worse for you" Now, that is intolerable No self-respecting Legislature would for one moment tolerate it This position ascribes to Government a degree of infallibility which it has not got under the existing constitution The Honourable the Commerce Member read to you the words of the Joint Parliamentary Committee, and you remember, Sir, I pointed out at the time that the crucial sentence, the decisive sentence, the deliberative and concluding decision of the Joint Parliamentary Committee is contained in one sentence, and that sentence must be complied with What is that sentence? It says

"Whatever be the right of fiscal policy for India for the needs of her consumers as well as for her manufacturers, it is quite clear that she should have the same liberty to consider her interests as Great Britain, Australia, New Zealand, Canada and South Africa."

That is the decision of the Joint Parliamentary Committee In the matter of fiscal autonomy, the Members of this House are exactly in the same position as Great Britain, Canada and the other self-governing countries Consequently, it follows as a matter of constitutional necessity, that in the matter of fiscal autonomy, the procedure and practice of the self-governing Dominions of the British Commonwealth must be followed My friend the Commerce Member asks, "But how is this possible when we are irremovable?" I answer that question by saying that, the mere fact that you are irremovable, does not take away your obligation, it does not make you any the less responsible to this House What is the meaning of responsibility? In the case of a Minister, who introduces an unpopular measure before this House, you turn out the Minister and replace him In the case of an irremovable Member, all that Member can do is to say, "You cannot turn me out, but I can change my views, because I have got to obey you", and that is what the Commerce Member has got to do

if he wishes to respect the views of the Joint Parliamentary Committee. There is no use and you cannot get away from the fact that, if you are to apply the analogy of the self-governing Dominions, if you are to admit, and the Commerce Member has admitted it, that, so far as the question of fiscal autonomy is concerned, India is a Dominion Within that small and narrow compass, the constitution must operate and work as if we were a self-governing Dominion, and I submit, Sir, that is what the Secretary of State said, that for the last ten years the fiscal convention has been worked by India like a self-governing Dominion

Now, Sir, another point to which I want to draw your attention is this. I contend, in the first instance, that there is no incongruity between an irresponsible executive and the working of this convention in the spirit of the recommendation, may I say the decision, of the Joint Parliamentary Committee, because both in the House of Commons and in the House of Lords, when the Parliament Act was under discussion, it was conceded by responsible Ministers of the Crown that the Report of the Joint Parliamentary Committee must be read as a part of the Act Now, that being the position, it raises another question of great constitutional value, and it is this If the executive Government wanted this House to give their "most free expression of opinion", I use their own phrase, do you think, Sir, that this House is in a position to give its most free expression of opinion when Member after Member on the Treasury Benches has spoken and said "Either accept this half a loaf, or you will get nothing at all"? Is this conducive to the most free expression of opinion? I ask the Honourable the Commerce Member to pause and consider If they wanted to concede to this House a free and unfettered expression of opinion, it was up to them to come before us and say, "I have made no decision whatever on this matter I am free to decide after hearing you It may be that you will convince me, in which case I shall be converted It may be that I shall convert you, in which case you and I will agree" But what is the position that the Government have taken up? They say, "We recognise, we admit, we concede that this convention is a reality We therefore concede that you are a Dominion, while you are dealing with the enforcement of this convention, but at the same time, so far as we are concerned, we have put wax into our ears, and whatever you may say, however strong may be your argument, however conclusive your logic, we refuse to agree with you unless you agree with us, and if you don't agree with us, then we do not give Bombay the protection which they so sorely need". I ask any fair minded Member of this House, whether on the Government Benches or on the Opposition Benches, if this can be characterised as giving to the House an opportunity for the most free expression of opinion That, I submit, is a question upon which I would like to have a reply from the Honourable the Commerce Member.

Now, Sir, there is another point and a very important one, dealing as it does with this constitutional issue It has been said by the Honourable the Commerce Member—and I would give the House his exact words as reported so that there should be no chance of any misunderstanding—

"that would mean, (*Sir George Rainy continuing said*), that it might be contended that Government should, in this matter, abide by the majority vote of this House"

Now comes the considered reply of the Government:

"that would mean, (*Sir George Rainy continuing said*), that it might be contended in a very large part of the fiscal sphere."

The Honourable Sir George Rainy: May I interrupt the Honourable Member for a minute? I can give him the exact words, which were

"That would mean nothing less than the abnegation of its function by Government in a very large part of the financial sphere"

Sir Hari Singh Gour: Now, mark the implication of those words that, "If we were to abide by your decision, we shall be abdicating our function . . ."

The Honourable Sir George Rainy: I said "abnegation"

Sir Hari Singh Gour: " . . we shall be abnegating our function in a large sphere of financial responsibility" Sir, that is begging the whole question What is their function? They are ascribing to themselves a function which is against the report of the Joint Parliamentary Committee He has himself, in the previous paragraph, pointed out that, so far as this question of fiscal autonomy is concerned, the function is the function which the Government share with the Members of this Legislature Where is the abnegation of function? They ascribe to themselves a power and a privilege which, according to the interpretation on the convention by the Honourable the Commerce Member himself, in the passage to which I have referred, he is not entitled to I submit the function of the Government of India is a creature of the statute These functions are the functions which they can only discharge with due advertence to the rights and privileges and, let me add, obligations, created by the statute I have already pointed out that, so far as fiscal autonomy is concerned, the Government of India have got no right whatever to make any decision except with the agreement of the Legislature My friend, Mr K C Roy, tells me that this is the right in all Bills I go further In the matter of other Bills governed by the ordinary language of the Government of India Act, the powers of the executive Government in this country are larger

Mr. President: What are they?

Sir Hari Singh Gour: Take for instance, the power of certification.

Mr. President: Order, order The Honourable Member made it quite clear yesterday, that when the Legislature and the Government of India do not agree, the convention ceases to be operative and they resume their powers again

Sir Hari Singh Gour: I am just coming to that very point I thank you, Sir, for drawing my attention to it My friend, Mr K C Roy, interjected a remark and said that, in the ordinary matter of legislation, the Government of India have got certain statutory duties That is perfectly true in regard to ordinary legislation. But in regard to this fiscal autonomy, there are the exceptional powers conferred upon the Indian Legislature, and these powers could not be made a part of the statute, because the Indian Legislature could not be given the sovereign rights in all other matters, and the power of the veto of the Crown could not be limited That, of course, you will find in the previous sentence The Honourable the Commerce Member says that, if there is any agreement between the executive and the Legislature, in that case the convention goes by the board Now, I beg to ask him this question Is there anything in the convention to show that the convention is only operative if and when the Government and the Legislature are in agreement, and if

they are not, the convention is inoperative? You cannot implement on a convention a power of giving yourself a right which the statute has not given you. Nay more, it would create in the Government of India an autocracy unprecedented in its previous history. For while in all other matters it is subject to the general power of supervision, direction and control of the Secretary of State, that power is expressly withdrawn when the Government acts on the convention. In this case the power of control must be deemed to be transferred to and vested in the Legislature—since the Government must be responsible to some constituted authority, and the Secretary of State's power being withdrawn the power of the Indian Legislature necessarily comes into play. To that extent the will of the Legislature is paramount and the executive must submit to its decision. I therefore submit with due respect to the Honourable the Commerce Member that in this respect the ordinary constitution cannot come into play because the convention must be carried out and there is absolutely nothing in the circumstances of the convention, or in the mode and manner of its operation, or in the procedure by which it is to be enforced which makes it unworkable. Sir, the Joint Parliamentary Committee was an expert committee. They adverted to the fact that, in ordinary matters of legislation, the Indian Legislature had a limited authority. Surely, the Joint Parliamentary Committee must have seen, with half an eye, that there was a possibility of a deadlock between the Legislature and the Executive if the Legislature took one view and the Executive another. But have they adverted to it? They have. They have adverted to it in that pregnant phrase in which they have said that we charge the Government of India to recognise and to treat the Indian Legislature as a Parliament and themselves as belonging to a Dominion Parliament, and give the Legislature the fullest opportunity to decide as to how and when and in what manner the convention is to be enforced. Otherwise, there was no necessity to use this very emphatic phrase, namely, that they should have the same opportunity to consider her interest as Great Britain, Australia and the rest.

Diwan Chaman Lall (West Punjab Non-Muhammadan): How is the agreement to be found between the Legislature and the Executive?

Sir Hari Singh Gour: By mutual discussion.

Diwan Chaman Lall: By a vote of this House?

Sir Hari Singh Gour: By consulting you and me or by persuasion by you and me. But they have put themselves out of court; they have taken a false step. They are trying to show you, Mr. Chaman Lall, and you, Sir, that the . . . . .

Mr. President: Both are not in the Chair.

Sir Hari Singh Gour: I have been trying to show you, Sir, that the position of the Government has become intolerable by the action they have taken of deciding a thing before placing it before this House. The position therefore is the very reverse of what was contemplated by the Joint Parliamentary Committee. But let me not digress. Another point which I wish to emphasise is this. Flowing from the language of the Joint Parliamentary Committee that we are to constitute ourselves as a Legislature of Great Britain, Australia and the other self-governing Colonies, it follows, as the Honourable Pandit Madan Mohan Malaviya has pointed out,

[Sir Hari Singh Gour.]

from Lord Crewe's Report, that if you are to give this House, within the limited scope of deciding her own fiscal policy, the same rights and privileges as belong to a self-governing Dominion, then official and nominated vote has no place. Have you got any official and nominated Members of Parliament in England or in Australia or in Canada?

Mr. M. A. Jinnah (Bombay City. Muhammadan Urban). Of course not

Sir Hari Singh Gour: You have not Very well, Sir. If therefore you are to sit here as a Dominion for this limited purpose, then I submit, it follows, as a matter of logical necessity, that nominated and official Members should not have any vote (Interruption by Mr K C Roy) My friend Mr. K C. Roy has asked me whether a taxation Bill goes before the House of Lords

Dr. A. Suhrawardy (Burdwan and Presidency Divisions. Muhammadan Rural): He is a nominated Member

Sir Hari Singh Gour: That was a question which I had the misfortune to raise in the first Assembly when the then Finance Member wanted his Finance Bill to go before the Joint Committee of the two Houses We then raised a point and that point succeeded, namely, that so far as fiscal matters are concerned, they are the primary concern of this House I beg therefore to submit that, if you really work the constitution, even the occupants of the Treasury Benches must work the convention in the liberal spirit in which it was intended to come into operation That being the position, I ask the Honourable occupants of the Treasury Benches to reconsider the position

The Honourable Pandit Madan Mohan Malaviya has suggested a line of action, namely, that all the amendments in the Bill be referred to the Select Committee

Mr. President: After the consideration stage is over.

Sir Hari Singh Gour: With the consent of the Honourable Member I have not the slightest doubt that that difficulty can be circumvented.

Mr. M. A. Jinnah: We can do this also under the convention, I suppose, as interpreted by Sir Hari Singh

Sir Hari Singh Gour: Yes, we can set up a committee of the whole House, as is done in the House of Commons. We are to work as the Dominion Parliaments work in the matter of this convention That, I submit, is a plain reading of what the Joint Parliamentary Committee have laid down in words which have been read by the Honourable the Committee Member and my friend Pandit Madan Mohan Malaviya.

Now, Sir, that is all that I have to say with reference to the constitutional issue May I say also a few words on the merits of this particular Bill?

Mr. President: I wish the discussion to be confined to the constitutional issue.

Sir Hari Singh Gour: Then, this is all I have to say on the constitutional issue.

Mr. M. A. Jinnah: Is there any point of order, Sir, that you are considering? I have not quite followed the debate so far. Is there any specific point of order which you wish to consider?

Mr. President: The Honourable Pandit has put several questions. Will the Honourable Pandit kindly pass them on to me?

Pandit Madan Mohan Malaviya: I requested the President to be pleased to help the Assembly by rulings on three questions:

(1) Whether the interpretation put by the Honourable Sir George Rainy on the convention is correct and consistent with the recent declaration of the Secretary of State;

(2) Whether the attitude taken up by the Government that they have not an open mind in regard to my amendment, and if that or any other amendment is accepted by the House, they will not further proceed with the Bill is consistent with the fiscal autonomy convention;

(3) Whether the official and nominated Members are entitled to record their votes on a division on this Bill

Mr. Arthur Moore (Bengal European): Sir, I wish to speak.

Mr. President: Is the Honourable Member going to speak on the constitutional question?

Mr. Arthur Moore: Yes, Sir

Sir Hari Singh Gour: I have got only one point to submit; that is that the powers of the Chair to decide matters of constitutional issues and matters of rights and privileges of this House were settled in the first Assembly in connection with the Supreme Court Bill, with the consent of the then Law Member, and that question came up again in the third Assembly, and it was then decided that it was within the privilege and power of the Chair to decide these questions That is all I have to say on the powers of the Chair

Mr. Arthur Moore: Sir, the Honourable Member, Sir Hari Singh Gour, with very great ingenuity brought an accusation of begging the question. I think that with even greater ingenuity, he himself begged the question at the outset, because he started with the basic assumption that the Joint Parliamentary Committee laid it down that it was the business of Government to agree with the House

Sir Hari Singh Gour: I never said anything of the kind.

Mr. Arthur Moore: I have not got the Honourable Members words before me, but I am sure I am within the recollection of the House when I say that the whole of the first part of the argument was based entirely on the assumption that the Joint Parliamentary Committee laid it down that it was the duty of Government to agree with the House. But, Sir, as I understand it, the Joint Parliamentary Committee laid down that the fiscal autonomy convention comes into operation if and when the Government and the House find themselves in agreement.

The Honourable Pandit, during certain passages in his speech, spoke with great eloquence and evidently under the stress of deep emotion, and

[Mr. Arthur Moore]

I do not think that any of us who heard him can have doubted his complete conviction that he was speaking in a righteous cause In view of what you say, Sir, I shall confine myself purely to the constitutional point I would like to have taken up his argument, so largely based on the figure of 2½ crores, which I do not think can be sustained, but I will drop that point and deal

Sir Cowasji Jehangir (Bombay City. Non-Muhammadan Urban): On a point of order, Sir Do Honourable Members exhaust their right of speaking by addressing the House on this point of order?

Mr. President: No.

Mr. Arthur Moore: So, I shall stick to the point of order

The Honourable Sir Brojendra Mitter (Law Member) What is the point of order?

Mr. President: The Honourable Member has not heard?

The Honourable Sir Brojendra Mitter: I do not understand that there was any point of order which the Chair has got to decide

Mr. President: You may take the point that the points raised are not points of order

The Honourable Sir Brojendra Mitter: I fail to understand what is the point of order There is a motion before the House, there are two amendments, one that of the Leader of the Opposition and the other that of Mr Chetty These are the two amendments which are before the House What is the point of order on the motion or on those amendments?

Mr. President: The point of order is this The Government of India have given their interpretation of what the fiscal autonomy convention on which they have based this Bill means The Honourable Pandit has put his interpretation, and I am called upon now to say which of the two interpretations is correct That is one The second point is, on a matter based on the fiscal autonomy convention whether the official and nominated Members of this House are entitled to take part in the division. That is the second point of order

The third point of order is, whether the attitude taken up by the Government, namely, that they have not an open mind and that the Assembly is bound to take what they give is consistent with the fiscal autonomy convention

Sir Hari Singh Gour: I submit that raises the question of privilege of the House (Hear, hear)

Sir Cowasji Jehangir: I understand that the final point of order raised by my Honourable friend is that Government have no right to withdraw the Bill if the Honourable Pandit's amendment is carried. (Hear, hear.) That is the final point of order

Mr. M. S. Aney (Berar Representative): He has not made that point

Mr. President: I have already fully explained to the House what the questions raised by the Honourable Pandit are

Mr. M. A. Jinnah: I rise to a point of order I want your ruling whether any of these three points, which have been stated and which are contained in the statement of Pandit Madan Mohan Malaviya, are points of order, having regard to the progress of the Bill. ("Hear, hear" from the Government Benches)

Mr. President: That is a point on which I shall be prepared to hear Honourable Members

Mr. M. A. Jinnah: The first point I want you to consider is whether these are points of order

Mr. President: I should like to hear Honourable Members on that point too

Mr. M. A. Jinnah: Let us confine it to one thing at a time.

Sir Hari Singh Gour: Is not a question of privilege of the House a point of order?

Mr. Arthur Moore: Well, Sir, I think I understand your wishes and I shall endeavour to comply with them I heard my Honourable friend the Pandit's remarks with regard to this fiscal autonomy convention, and it did seem to me that the Honourable Pandit throughout was making a large assumption He assumed that he was speaking for the majority of the House, and he assumed that the Government and the House are not in agreement Now, Sir, that is an issue, I submit, which has yet to be settled

Mr. K. C. Neogy (Dacca Division Non-Muhammadan Rural) What about the Honourable the Commerce Member's statement?

Mr. Arthur Moore: The second point is this that he has said repeatedly . . . . . .

Mr. T. Prakasam (East Godavari and West Godavari *cum* Kistna Non-Muhammadan Rural) Sir, I wish to rise to a point of order

Mr. President: The point of order is being discussed Mr Moore

Mr. Arthur Moore: It is said repeatedly . . .

Mr. T. Prakasam: With your permission, I should like to rise to a point of order on the statement which my Honourable friend has made He says on the first question raised by Pandit Malaviya, that it is a matter yet to be settled by this House It is not a matter to be settled by the House, because the Honourable the Commerce Member has already given his views about it

Mr. President: That is not a point of order

Mr. Arthur Moore: I would suggest to the Honourable Members opposite, that we have all listened to their views at very great length I shall be as brief as I can and I should very much like you to allow me to develop my argument, and it is this It is suggested that Government have come before us in an entirely unyielding attitude Sir, I do not think that that can be sustained The Honourable the Finance Member has already told us that we shall not, in its final stages, be asked to accept the Bill as it stands. We have been told that we are not even asked to accept the proposal outlined on the 28th February by Sir George Schuster. The Government are going to accept an amendment, and from whom does that amendment come? It comes from the Opposition It does not come from any reactionary or any one who sits behind them It comes from one whom we have known as

[Mr Arthur Moore.]

one of the ablest Members of the Party that Pandit Motilal Nehru used to lead in this House, and from one whom we are very glad to have still with us, though we know that he remains as convinced a Swarajist as ever

Mr. Jehangir K. Munshi (Burma Non-European) Give him a free choice!

Mr. Arthur Moore: I give the Honourable Member the credit of assuming that he had a free choice I should think it is very unfair to Mr Chetty to suggest that he has not a free choice, and I am sure Mr Chetty would repudiate such a suggestion But there it is No one can say that Government have not made an effort on this occasion to meet the House in the interests of this very fiscal convention The argument which is brought to rebut that is that the House has not a free choice, because Government have said that this is as far as they will go, and that they will not accept any further amendment

Mr. M. A. Jinnah: Sir, I again most respectfully rise if you will permit me I understood that, on my point of order whether the points stated by Pandit Malaviya were points of order or not, your ruling was that you want to hear our views on that also

Mr. President: Yes, on that also That is what I said

Mr. M. A. Jinnah: Quite so Now, may I most respectfully submit that that is a question which ought to be disposed of first, *i e*, whether there is a point of order or not I would like to point out to you also the Standing Order, that generally it is for the President to decide a point of order It is open to you, if you have any doubt, to consult one or two of the leading Members of the Assembly, or the old Members of the Assembly, who may have some experience, to guide you But otherwise, may I point out, the Standing Order says this

4 P.M

"The President shall decide all points of order which may arise, and his decision shall be final Any Member may at any time submit a point of order for the decision of the President, but in doing so shall confine himself to stating the point"

Now, Sir, if you are going to allow this general discussion of all these matters on this point of order of mine, namely, whether the points raised by Pandit Malaviya are points of order or not within the meaning of the Standing Order, my submission is this You will first of all have to decide whether they are really points of order If you still want to consult certain Honourable Members, of course, it is within your power to do so.

Mr. Arthur Moore: On a point of order, may I ask whether the point of order raised by Mr Jinnah is a point of order? (Laughter)

Mr. M. A. Jinnah: Certainly it is.

Mr. T. Prakasam: May I know whether there is any rule

Mr. President: Order, order. I do not wish to hear several Honourable Members on the points of order raised by Pandit Malaviya and the point of order raised by Mr Jinnah as to whether the points of order raised by Pandit Malaviya are points of order or not. I shall confine myself to two or three Honourable Members and Government if they choose to participate in the discussion But I am not going to separate the two. The discussion will be on the question whether the points of order raised by Pandit Malaviya are really points of order or not, and if they are points of order, what the views of the Honourable Members are

Pandit Madan Mohan Malaviya: May I just supplement your statement by one remark?

Mr. President: Order, order

Pandit Madan Mohan Malaviya: I should like to explain . . . . .

Mr. President (to Mr Arthur Moore) I hope the Honourable Member will be brief He will have another opportunity of speaking on the merits.

Mr. Arthur Moore: Sir, I do not think I need go into the question of merits now, though I submit that my argument with regard to the fiscal convention is germane to the Bill itself. And I should like, with your permission, to deal with the question of Lancashire because that seems to be largely the basis of the argument about the fiscal convention, and whether the House has a free choice or not I would call my Honourable friend Pandit Malaviya's attention to a sentence from the Report of the Joint Parliamentary Committee, which he himself read out, and to which he attached considerably less importance than I do The Committee say that the convention exists "in the interests of India as an integral part of the British Empire" That, Sir, is the point If we are discussing the merits, I think I can say to the Honourable Pandit Malaviya that the figure of 2½ crores which is so freely talked about is entirely illusory, and that Lancashire will actually be extremely hard hit by this Budget

Mr. M. A. Jinnah: It seems to me that the Honourable Member is determined to speak on the merits of the Bill

Mr. President: I hope the Honourable Member will confine himself to the points of order

Mr. Jehangir K. Munshi: And also tell us which point of order he is particularly dealing with

Mr. Arthur Moore: Mr Jinnah has raised so many points of order that all our heads are slightly in a whirl

Dr. A. Suhrawardy: That is a point of disorder (Laughter)

Mr. M. A. Jinnah: I have been upheld by your ruling, Sir The Honourable Member is going beyond the point of order

Mr. Arthur Moore: I was submitting that it is the question of the fiscal convention which is now under discussion and not merely the point of order of Mr Jinnah The President has clearly ruled that both are to be discussed together, and Pandit Malaviya made it perfectly clear that he based his argument with regard to this fiscal convention largely on the question that the House was being asked to do something not in the interests of India but in the interests of Lancashire

Mr. President: The point, if it is a point of order, is whether the interpretation put by Government on the fiscal autonomy convention is correct or not

Mr. Jehangir K. Munshi: May I suggest, Sir, that the point of order be written out and handed over to Mr Moore? (Laughter.)

Mr. Arthur Moore: That, Sir, is the first of Pandit Malaviya's three points But Pandit Malaviya went much beyond that in the other two points which he raised He also asked, Sir, whether nominated and Government Members should vote, and I would submit, Sir, that any ruling to say that they should not vote would be to wash out the importance not

[Mr. Arthur Moore.]

only of the Simon Commission and the Round Table Conference and the Government of India Act, which will probably be passed next year, (Laughter and applause) and would give Dominion Status by a side wind in the next five minutes That is the second point I would like to refresh my memory as to what is the third point

Diwan Chaman Lall: Here, there are the three points

(The Honourable Member passed on a slip to Mr Arthur Moore) (Laughter)

Mr. Arthur Moore: I find that I have completely disposed of the Pandit's other points about the Government having an open mind, because I have shown that the Government, in not asking the House to accept their original proposal, have done something to meet the House But at the same time, I should like to say that I am very largely in agreement with Honourable Members opposite as to the way in which this is to be done (Hear, hear) I do think that a very unfortunate precedent has been established of conducting these negotiations outside the House, (Hear, hear) and that the Government would have found itself in a very much stronger position if it had accepted Mr Chetty's amendment on the floor of this House instead of telling us their decision before it had been discussed

The Honourable Sir Brojendra Mitter: I think Mr Jinnah's point of order is perfectly sound What the Leader of the Opposition calls a point of order is really not a point of order What is a point of order? When a Member is saying something or bringing in a motion which is not in order, you can stop him What are you expected to stop now? Are you expected to stop the discussion on the motion which is before the House? No, because you cannot do it under the rules, you cannot stop discussion. You cannot prevent discussion, nor can you refuse to put the question.

Mr. President: Under which rule?

The Honourable Sir Brojendra Mitter: Rule 17A You cannot refuse to put the question That being so, Sir, my submission is that none of these points can possibly be points of order. Now let us see. The first is, is the Honourable the Commerce Member's interpretation of the convention correct? Supposing it is not correct, what then? What follows? Supposing it is correct, what follows? In either event, you are bound to put the question before the House, the question which is being debated. Therefore, how can it be a point of order? Your decision one way or the other cannot stop the debate, nor can it stop putting the question before the House.

Diwan Chaman Lall: Is the Honourable Member referring to rule 17A?

The Honourable Sir Brojendra Mitter: Yes. Then the second point is about the attitude of the Government. Supposing the attitude of the Government is wrong. What then? What follows? The debate will not stop on that account Supposing the attitude of the Government is right, the debate will go on equally well Then, how can it be a point of order? Assuming you, Sir, come to the conclusion that the point of order of the

Leader of the Opposition is good, what is out of order? Is the Bill out of order? Objection ought to have been taken on the introduction of the Bill, that the Bill has not been properly brought before the House.

Mr. President: May I point out to the Honourable Member that the Honourable Pandit's point is that the Honourable the Commerce Member's statement, that the Government have made up their minds and they are not going to accept any other amendment except that of Mr. Chetty, is inconsistent with the fiscal autonomy convention on which this measure is based, and therefore he wants my ruling whether this attitude is right, and if that is not the right attitude, how it affects the whole question.

The Honourable Sir Brojendra Mitter: I have followed what you have been pleased to explain My difficulty is still not overcome. Assuming the attitude which the Honourable the Commerce Member took up is most reprehensible—I am not discussing the merits of the attitude—but assuming that it is most reprehensible, what follows? Can you refuse on that basis to put the question on the motion before the House?

Mr. President: It has to be considered

The Honourable Sir Brojendra Mitter: I am submitting that, even in that case, you cannot prevent the discussion on the motion which is before the House, nor can you refuse to put the question before the House

Mr. President: Under the new rule?

The Honourable Sir Brojendra Mitter: Under the new rule 17A That being so, it is irrelevant, the whole of this point

Mr. President: If that rule is *ultra vires*?

The Honourable Sir Brojendra Mitter: If you hold that that rule is not binding, that is another matter But that point of order has not been raised yet (Applause.)

Then as regards the third point, as to who can vote on the motion which is before the House, we have not yet come to that stage. We are still in the stage of discussion and when the time comes for voting, the point may be taken by any Member as to who are entitled to vote

Mr. President: The Honourable Member accepts that as a point of order?

The Honourable Sir Brojendra Mitter: It may be But at the present moment it is premature When Government Members are about to vote, then any Member can take the point that they are not entitled to go into any division lobby I can understand such a point of order; but we have not come to that stage yet, and all I need say now is, if that point of order is raised at that time, you will give me an opportunity to speak.

Mr. President: The Honourable Member may make it quite clear now.

The Honourable Sir Brojendra Mitter: Under section 63D of the Government of India Act the question shall be decided by a majority of votes of Members present and no distinction is made between elected and nominated Members.

Mr. President: If any Member has got a pecuniary interest in the subject matter of the motion, he is entitled to vote?

The Honourable Sir Brojendra Mitter: He is entitled. Whether he ought to vote or not, is for him to consider, but that is not a point of order

Mr. M. A. Jinnah: I am very loath indeed to take up the position which I wish to take up But I assure you, Sir, and assure this House, that any observations that I make are entirely based on one consideration and one consideration only, and that is the true and the correct interpretation of our Standing Orders and the various parts of our constitution. I, Sir, attach very great importance to our coming to a correct decision on points of this character, and therefore, please do not consider that I am taking the view because we have taken up a somewhat different position in regard to the Bill to that of the other Honourable Members Now, Sir, in the first instance, what we are now concerned with is the consideration of this amendment

Mr. Muhammad Yamin Khan (United Provinces Nominated Non-Official) Has the amendment been formally moved? That was not moved formally

Mr. M. A. Jinnah: I thought the Honourable Member who moved the amendment spoke for nearly four hours and then finally

Mr. President: When? Today?

Mr. M. A. Jinnah: Nearly four hours yesterday and today certainly, and finally ended by saying, "I move my amendment" I do not know where the Honourable Member was Now I do not want to waste the time over that I am glad he knows now that the amendment has been moved Therefore, Sir, I was saying that the amendment was moved and the House is seized of the amendment Therefore, Sir, I must say that an amendment has been moved and the House is seized of that amendment Well, now, Sir, the first question that is raised is this Is the interpretation put upon the convention of fiscal autonomy by the Government of India, through of course the Honourable the Commerce Member, correct? Now, Sir, is it within your province to decide? That is the first question But I will assume for the moment that it is within your province Whatever interpretation you may put upon it, will it prevent the Government of India from withdrawing this Bill? Whatever interpretation you put upon it, we shall be exactly in the same position from which we started Therefore, it seems to me, Sir, that, in the first instance, whatever interpretation you may put upon it, and whatever respect it may command, it cannot be conclusive or decisive; and secondly, it will not prevent the Government from withdrawing this Bill if they are so determined Now, with regard to this second point, there again the question is raised, is the attitude of the Government, namely, that they have announced that they will withdraw the Bill if the amendment is carried, consistent with the correct interpretation of the convention? Well, now suppose you pronounce that their attitude is not correct or consistent with the true interpretation of the convention; what follows then there? Nothing. Now, Sir, in the first instance, I most respectfully submit that neither of these two points are points of order, and whatever

nion you may express is not going to be of any real use if you admit t the Government have power to withdraw this Bill.

Now, Sir, then comes the third point, namely, whether you can give a ng and say that any particular Member of this House is not entitled vote because he is an official, or because he is a nominated Member, ich will be directly in contradiction with the terms of the statute, and that ruling, Sir, I say, with great respect, you may well command res- t, being a ruling coming from you, but it will not be effective; it will a contradiction of the terms of the statute, and it is not a point of er Therefore my submission is, Sir, that none of these three matters ied by my Honourable friend are points of order. I am very sorry to this—I say this, because I want every Member to give his judgment ly and in the interests of the progress of the constitution under which are working, and which we wish to build up, because once we go wrong these matters, I do not know where we may be landed I do not nk it is desirable to go wrong in these matters, whatever be our feelings h regard to the merits of the Bill, and therefore I wish to place before i, with the utmost respect, that these three points are not points of er, and I say

Mr. President: Honourable Members will remember that, in the past, nts of order have been raised whether a particular Member is entitled vote or not

Mr. M. A. Jinnah: With great respect, Sir, I say, yes, the point may raised on the ground of interest of a Member

Mr. President: It is for the Chair to decide whether it is a point of er or not

Mr. M. A. Jinnah: I say, that this point of order raised has only got be stated and rejected If you are asking my opinion, I give it, take example this Supposing an Honourable Member here gets up at the ge and says, "I rise to a point of order; the Honourable Sir George nuster should not be allowed to vote because he is an official", I uld think, in my opinion, the President should say, "Nonsense, I have power", and there is an end of it You are asking my opinion, and refore I am giving my reasons My reasons are that you cannot decide ntrary to the terms of the statute, and say that the official Members l the nominated Members are not entitled to vote Therefore, Sir, ubmit that none of these matters are points of order, and if they are nts of order, I say really that they ought to be rejected, on the nts at once and the progress of the Bill should not be delayed.

Mr. M. S. Aney: Sir, there are two questions raised for your consi ration The first is whether the points raised by the Leader of the position are points of order or not, and the second question is whether interpretation put upon the convention by the Honourable Sir George my is correct, and also consistent with the pronouncement made by Secretary of State Besides these two points, there is the third point sing out of the second, *viz*, whether, in view of the convention, the cial and nominated Members shall be entitled to vote when the House l have to divide I was considerably surprised at the speech which the nourable the Law Member has made He has tried to make an attempt define what a point of order should be, and if I have understood him

[Mr. M S. Aney]

aright, what I gathered from his speech was this, that in his opinion a point of order should be a point of such a nature that a ruling thereon by the Chair would either interfere with the normal work of this House or with the debate on a particular motion under discussion Such a point alone can be a point of order, no point which does not satisfy this test can be a point of order That is the definition which he tried to lay down in his speech, and on the basis of that definition, he made an attempt to show that none of the three points are of such a nature that they can be considered points of order He conceded, however, that the last point, namely, that official and nominated Members should vote or not, is a point of order, but according to him it was premature to raise the point at this stage, and the proper time to raise it, he thinks, is when the motion is going to be voted

In the first place, Sir, I decline to accept that even as an approximately correct definition of a point of order The Honourable the Law Member must be aware that there are various kinds of points of order, and that it is not necessary, in the case of every one of them, that a ruling on it would necessarily interfere with the working of the House or with the debate on any particular motion under discussion before the House Say, for example, any Honourable gentleman, in the course of his speech, used any particular word, and some other Honourable Member got up and said that a particular term used was an unparliamentary one, may I ask the Honourable Member whether such a point will in any way interfere with or prevent the debate? A point of order must raise a question which nobody except yourself alone, in your capacity as the custodian of the constitution, can decide The real definition of a point of order always is that it raises a question relating to the procedure, propriety or privilege of the House on which the Chair alone can pronounce an opinion on a proper interpretation of the constitution or custom or convention of the House, and can call the Honourable Member or group of Members to order. There can be no other test of a point of order

Secondly, the question is whether the points raised by my Leader can be points of order at all My Honourable friend, Mr Jinnah, has suggested that these cannot be points of order at all, in view of the fact you, Sir, are bound by the constitution, and your ruling will have to be given in terms of the provisions of the Government of India Act and the statute One thing, which he seems not to have taken note of, is this, that it has been admitted by all that there is a convention with regard to fiscal autonomy That has been established and recognised for over ten years What is the exact nature and scope of that convention may be a point of some difference of opinion, but a convention which has been established and recognised for over ten years, becomes a part and parcel of the constitution as much as the Government of India Act itself It is as much a part of the constitution as the Act and the rules framed thereunder, having the force of an Act, and therefore any question, with regard to that convention or the interpretation of its precise nature and scope, is a proper question for you to interpret and not for anybody else Therefore, I submit, Sir, that the two questions which have been raised by my Honourable Leader, the Leader of the Opposition, being related to that convention of fiscal autonomy and requiring, as they do, a correct interpretation of the convention, are proper points of order on which you alone, Sir, can

give a decision That disposes of the preliminary objection which my Honourable friend, Mr. Jinnah, has raised It may be a very bad point, a wholely untenable point, it may be that there are not very sound reasons behind it, but these facts do not take the question out of the category of points of order These considerations seem to have been entirely overlooked by my Honourable friend, Mr Jinnah, and therefore he has raised the question whether these questions are points of order or not.

Sir Cowasji Jehangir: May I inquire, Sir, whether you can enforce your ruling given on these points of order?

Mr. President: The Chair has got all the powers to enforce its ruling

Mr. M. S. Aney: Now, Sir, with regard to the convention, the most crucial point in that convention on which my Honourable friend, the Commerce Member, has solely relied is the reference to the fact of agreement mentioned in the Report of the Joint Parliamentary Committee This fiscal autonomy convention, whatever it is, has got a real meaning only if there is agreement between the Government of India and the Legislature. That is a very crucial fact in regard to this question Now, Sir, everybody knows that an agreement is a bilateral transaction and not a unilateral one An agreement requires two things, there must be two separate entities So there must be one party called the Government of India and another party called the Legislature entirely separate and different from the Government of India It is only with regard to this fiscal autonomy that this question of agreement comes into prominence and has got some importance In other matters the question of agreement never arises at all So what the position of the Government Members in this House is with regard to other matters is not in any way a factor which ought to weigh with us in finding out their proper position so far as fiscal autonomy is concerned Now the Government of India ordinarily are a body consisting of His Excellency the Governor General and his Executive Councillors, but they are here in this House also with their own representatives numbering in all 25 Those 25 persons do not represent any other interests except what are known as those of the corporation called the Government of India Those who have studied the constitution know that the 25 nominated official Members, who are here in this House, only represent the Government of India Now, if the Government of India come to this House for the sake of ascertaining what is the view of this Legislature on a fiscal measure, then that Government of India must know that they, as a body, are a separate body from the Legislature, whose free consent and opinion they want to know or find out If they merge themselves in this body at all, then the distinct existence of the two entities, without which the bilateral transaction cannot be imagined, is altogether obliterated Therefore, they and those official Back Benchers, whom they have brought to this House to represent themselves, are only one party whose duty is simply to ascertain the view of the Legislature That is precisely what was conveyed by the language of the Crewe Report, a passage from which was read out by the Honourable the Leader of the House The non-official majority in the House is therefore the only factor which ought to weigh at the time of division in regard to any fiscal measure governed by the fiscal autonomy convention. It may also be argued in terms of the language in the Joint Parliamentary Committee's Report that

[Mr. M. S Aney.]

the interests of the manufacturers and the consumers and not of the exploiters whom the Government of India in this case undoubtedly represent have to be mainly looked to in regard to fiscal matters, and a decision has to be taken by this House only on that basis. Now, I can understand that there are non-official nominated Members in the House,—and I shall concede even to these nominated Members,—that they are supposed to represent certain minorities and other interests which are non-franchised under the existing state of our constitution in the country But under the constitution the official block represents none but the Government of India, and if the Government of India want to concede that fiscal autonomy convention is a reality, then, in order to carry it out honestly and faithfully, the only equitable position which they can take is, that they cannot and ought not to take any part in voting so far as the decision of the fiscal question in this House is concerned, as they are here only for the sake of ascertaining the view of the Legislature which is the other party to the agreement It is of course open to them to agree or not to agree with the view of the Legislature They may afterwards take any stand they like, but in order to ascertain the opinion of this House and to find out whether they can agree with it or not, they can only take the attitude of neutrality and nothing else

Sir, if this fiscal autonomy is a reality, and if this convention is a part of the constitution, it is your right to enforce, without fear or favour, the terms of that convention in such a way as to give this House a fair chance of expressing its free and unfettered opinion, and then the Government of India can decide whether they will agree with that opinion or not In short, the fiscal autonomy convention, to be a reality, necessarily implies a convention of neutrality of official Members at the time of division For these reasons, Sir, I maintain that it will be open to you to decide the last point raised by the Leader of the Opposition, if you think that my interpretation is a correct one, *viz.*, whether the official Members are entitled to record their votes on the question or not, when you will be pleased to put the question and ask the House to divide. This is the view, Sir, I submit for your consideration in all humility.

Mr. M. K. Acharya (South Arcot *cum* Chingleput Non-Muhammadan Rural) Sir, I should like to say something . . . .

Mr. President: I think we have heard enough on the point.

The Assembly then adjourned till Eleven of the Clock on Monday, the 31st March, 1930.

LEGISLATIVE ASSEMBLY DEBATES

MONDAY, 31st MARCH, 1930

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LEGISLATIVE ASSEMBLY

Monday, 31st March, 1930

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr President in the Chair

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MEMBERS SWORN

The Honourable Mr Harry Graham Haig, C S I, C I E (Home Member), Mr Thomas Ryan, C I E, M L A (Department of Industries and Labour Nominated Official), Mr John Collard Bernard Drake, C I E O B E, M L A (Department of Commerce Nominated Official), and Mr Rama Shankar Bajpai, M L A (Director of Public Information)

QUESTIONS AND ANSWERS

ASSURANCE GIVEN IN THE HOUSE OF COMMONS *RE* THE GOVERNMENT OF INDIA'S ATTITUDE TOWARDS MAHATMA GANDHI AND CONGRESSMEN

897 ***Mr. Jehangir K. Munshi:** (1) Are Government aware that an assurance was recently given in the House of Commons by the Secretary of State for India

(*a*) that Government do not intend to make use of section 124-A of the Indian Penal Code to pursue a repressive policy against Mahatma Gandhi or his followers,

(*b*) that Government do not intend to prosecute Congressmen for views they may express or for propaganda they may preach, as long as they do not commit any acts of violence, or incite others to commit acts of violence?

(2) Have Government received any communication or instructions, either from His Majesty's Government, from the Secretary of State for India or from the Secretary of State for India in Council, with regard to the said pronouncement of policy recently made in the House of Commons?

The Honourable Mr. H. G. Haig: (1) No, Sir

(2) The question does not arise

Mr Jehangir K. Munshi: Are Government aware that a debate recently took place in the House of Commons on Mr Fenner Borckway's Motion?

The Honourable Mr. H. G. Haig: Yes

Mr. Jehangir K. Munshi: Have Government studied that debate?

The Honourable Mr. H. G. Haig: Yes

Mr. Jehangir K. Munshi: Will Government tell the House what assurance was given by Mr Wedgwood Benn in connection with political prosecutions?

The Honourable Mr. H. G. Haig: I have been unable to find on studying Mr Wedgwood Benn's speech any assurance of the nature described in the Honourable Member's question.

Mr. Jehangir K. Munshi: Will Government tell the House whether any assurance of any nature was given by the Secretary of State for India?

The Honourable Mr. H. G. Haig: I think the Honourable Member might perhaps read the speech for himself

Mr. Jehangir K. Munshi: Am I to take it that the Government of India are unable to understand the statement made by Mr Wedgwood Benn?

The Honourable Mr. H. G. Haig: Will the Honourable Member kindly quote the passage in Mr Benn's speech to which he refers?

Mr. Jehangir K. Munshi: Is there no passage in Mr Wedgwood Benn's speech to the effect put in my question?

The Honourable Mr. H. G. Haig: No, Sir, most emphatically not

Mr. M. S. Aney: Will the Honourable Member be pleased to state whether the recent prosecutions under section 124A were not prosecutions for expressions of opinion?

The Honourable Mr. H. G. Haig: I think that question will arise on a later question asked by the Honourable Member

INSTRUCTIONS FROM HIS MAJESTY'S GOVERNMENT RE THE CIVIL DISOBEDIENCE MOVEMENT

898. ***Mr. Jehangir K. Munshi:** (1) Have Government received any communication or instructions, either from His Majesty's Government, or from the Secretary of State for India, or from the Secretary of State for India in Council, with regard to the policy to be followed and action to be taken in connection with the Congress propaganda or in connection with Mahatma Gandhi's programme of civil disobedience?

(2) Will Government

(*a*) place on the table all such communications and instructions?

(*b*) communicate to this House the gist and purport of all such communications and instructions?

The Honourable Mr. H. G. Haig: (1) The Government of India have been in close communication with the Secretary of State in regard to the policy to be followed in the present situation.

(2) (*a*) and (*b*) The communications between the Government of India and the Secretary of State are confidential and I am unable to take the action suggested in regard to them

PROSECUTION OF MR SEN GUPTA

899 ***Mr. Jehangir K. Munshi:** (*a*) Will Government place on the table

(i) a copy of the complaint filed by the Commissioner of Police, Rangoon, against Mr Sen Gupta?

(ii) copies of the speeches alleged to have been delivered by Mr Sen Gupta in Rangoon in respect of which the Government of Burma are prosecuting Mr Sen Gupta under section 124-A of the Indian Penal Code?

(*b*) Are Government aware that Mr Sen Gupta has constantly preached the doctrine of non-violence?

(*c*) Will Government state whether the prosecution of Mr Sen Gupta by the Government of Burma is or is not contrary to the recent announcement made in the House of Commons by the Secretary of State for India?

The Honourable Mr. H. G Haig: (*a*) (i) and (ii) I regret that I am not yet in possession of copies of the complaint filed against Mr Sen Gupta and of the speeches on which the prosecution was based

(*b*) I have not made a study of Mr Sen Gupta's speeches, but I should not have supposed that this was their main key-note

(*c*) I am not aware precisely what announcement the Honourable Member is referring to

Mr. K C. Neogy: May I draw the attention of the Honourable Member to the following statement made by His Excellency the Viceroy in this Chamber on the 25th January last

"It has not therefore been the policy of my Government that prosecutions for seditious speech should be extended beyond those cases where the language used, or the circumstances of its employment, constituted an incitement to violence or made it necessary to regard the speech as incidental to a movement directed to the subversion of law and of the authority of Government?"

Will the Honourable Member be pleased to tell us as to how far this particular case satisfies the conditions laid down by His Excellency the Viceroy in this statement?

The Honourable Mr. H. G. Haig: The statement of policy which the Honourable Member has just quoted is the policy of the Government of India and they consider that the initiation of this prosecution is in no way in conflict with that policy

Mr. K. C. Neogy: Has the Honourable Member examined the judgment of the Magistrate who convicted Mr Sen Gupta, before making this statement?

The Honourable Mr. H. G. Haig: No, Sir We are not in possession of a copy of the judgment

Mr. M. S. Aney: Will the Honourable Member be pleased to say whether before they gave sanction for this prosecution the Local Government was in communication with the Government of India and, if so, did they submit a copy of the speech for the perusal of the Government of India?

The Honourable Mr. H. G. Haig: That, Sir, arises on a subsequent question

Diwan Chaman Lall: May I ask the Honourable Member, if he has not read a copy of the judgment, how does he make the statement that the policy pursued in this particular case is in consonance with the policy laid down by the Government of India?

The Honourable Mr. H. G. Haig: I said that it was not in conflict with that policy

Diwan Chaman Lall: May I ask how the Honourable Member can say it was not in conflict, not knowing the facts?

The Honourable Mr. H. G. Haig: The Government of Burma, Sir, must be the judges of the facts in the first instance Their judgment of the facts was that there was no conflict between the initiation of this prosecution and the policy laid down by the Government of India and the Government of India fully accept that

Diwan Chaman Lall: May I take it then, that the position is that it is not the opinion of the Government of India but the opinion of the Government of Burma communicated to the Government of India?

The Honourable Mr. H. G. Haig: The primary responsibility for launching such prosecutions lies with the Local Government, consistently with the general policy which may be laid down by the Government of India

Mr. Jehangir K. Munshi: Are Government aware that a sentence of ten days' simple imprisonment was passed on Mr Sen Gupta?

The Honourable Mr. H. G. Haig: Yes, Sir

Mr. Jehangir K. Munshi: Are Government aware that a sentence was passed by an English member of the Indian Civil Service, who is under the executive Government?

The Honourable Mr. H. G. Haig: I do not know what the Honourable Member's suggestion is when he says that the officer is under the executive Government The sentence was passed by a Magistrate

Pandit Madan Mohan Malaviya: Do Government realise that it is the right and the duty of every Indian, who loves his country, to condemn the existing system of Government in the strongest language he can?

The Honourable Mr. H. G. Haig: I hope it is not so

Pandit Madan Mohan Malaviya: Do Government realise that, in order to bring about a change in the existing system, every man who hates this system ought to preach that hatred?

Mr. President: That is a matter of opinion

Mr. Jehangir K. Munshi: How do Government reconcile this sentence of ten days' simple imprisonment with the policy laid down by His Excellency the Viceroy?

The Honourable Mr. H. G. Haig: The Government had nothing to do with the sentence of ten days' simple imprisonment That was the judgment of the Magistrate

Mr. Jehangir K. Munshi: How do the Government of India reconcile the policy of the Government of Burma in initiating this prosecution, which resulted in the sentence of ten days' simple imprisonment, with the policy laid down by His Excellency the Viceroy?

The Honourable Mr. H. G. Haig: It may be presumed that the Government of Burma took a different view of the gravity of the speeches from that taken by the Magistrate

Mr. Jehangir K. Munshi: What view do the Government of India take now?

The Honourable Mr. H G. Haig: I am not going to be led into a discussion of the merits of the Magistrate's judgment

POLITICAL PROSECUTIONS IN BURMA

900 ***Mr. Jehangir K. Munshi:** Have the Government of India issued to the Government of Burma any instructions during the past four months with regard to political prosecutions?

The Honourable Mr. H. G. Haig: The Government of India are in constant communication with all Local Governments upon general questions of policy

Mr Jehangir K. Munshi. Did the Government of India know that the Burma Government was going to prosecute Mr Sen Gupta before the prosecution was launched?

The Honourable Mr H G. Haig: That question, Sir, arises on question No 901

Mr. K. C. Neogy: What steps do the Government of India take in order to assure themselves that the general policy laid down by them is being followed by the Local Government?

The Honourable Mr. H G. Haig: No special steps are required

Mr K. C Neogy: Is it open to any Local Government to defy the general policy as laid down by the Government of India in these matters?

The Honourable Mr H G Haig: No Local Government would dream of defying that policy

PROSECUTION OF MR. SEN GUPTA

901. ***Mr. Jehangir K. Munshi:** (*a*) Were the Government of India consulted before the Government of Burma prosecuted Mr Sen Gupta?

(*b*) Will Government place on the table the communications exchanged between them and the Government of Burma in this connection?

(*c*) Will Government communicate to this House the gist and purport of such communications?

The Honourable Mr. H. G. Haig: (*a*), (*b*) and (*c*) A decision as to the initiation of prosecution in any particular case rests with the Local Government and consultation with the Government of India is confined to general

questions of policy which may be held to effect the exercise by Local Governments of their responsibility The Government of India were consulted in this case, but I am afraid I am not prepared to lay on the table the communications exchanged

Mr. K. C. Neogy: At what stage were the Government of India consulted in this case?

The Honourable Mr. H. G. Haig: Before the prosecution was initiated

Mr. K. C. Neogy: And what papers were laid before the Government of India in this connection by the Government of Burma?

The Honourable Mr. H. G Haig: No papers were laid before the Government of India

Mr. K. C. Neogy: What was the purport of the communications that the Government of India received from the Government of Burma in this matter?

The Honourable Mr. H. G. Haig: I cannot disclose the details of the communications that have passed, but the Government of Burma consulted the Government of India on the general aspect of instituting such a prosecution

Mr. K. C. Neogy: Do I take it then that the sanction of the Government of India was obtained by the Government of Burma before this prosecution was launched?

The Honourable Mr H. G. Haig: The Government of India had no objection to the initiation of a prosecution on the assumption that the Government of Burma wished to prosecute

Mr. B. Das: Is it not a fact that, in the case of Sardar Vallabhbhai Patel, the Government of Bombay did not consult the Government of India before they prosecuted him?

The Honourable Mr. H G. Haig: Yes, Sir, that is the case

Mr. Jehangir K. Munshi: Were the Government of India aware, before they allowed the Government of Burma to prosecute Mr Sen Gupta, that the prosecution was based on statements attributing motives to the Burma Government's campaign for separation?

The Honourable Mr. H. G. Haig: As I have already stated, the Government of India did not examine the speeches

Mr. Gaya Prasad Singh: May I take it that the Government of India concurred in the views expressed by the Government of Burma with regard to the prosecution of Mr Sen Gupta?

The Honourable Mr. H. G. Haig: The initiative comes from the Government of Burma on whom the responsibility for deciding on the prosecution lies

Mr. K. C. Neogy: Do I take it that the Government of India were satisfied that the conditions laid down by His Excellency the Viceroy were fulfilled in this particular case before they agreed to the prosecution being undertaken?

The Honourable Mr. H. G. Haig: Yes, Sir They had no reason to suppose and they have no reason to suppose that the prosecution was in any way in conflict with that policy

Mr. M. R. Jayakar: Did the Government of India have before them a copy of the speech delivered by Mr Sen Gupta?

The Honourable Mr. H. G Haig: No, Sir

Mr. Gaya Prasad Singh: Then how did they agree with the views expressed by the Government of Burma in regard to the prosecution for his speech?

The Honourable Mr. H. G Haig I have already explained that they were merely consulted on the general question of policy

Mr. Jehangir K. Munshi: Did the Government of India apply their mind at all to this question before they allowed the Government of Burma to prosecute Mr Sen Gupta?

(No answer was given)

PROSECUTION OF MR SEN GUPTA

902 ***Mr. Jehangir K. Munshi:** Have the Government of India received any communication from the Government of Bengal in connection with the prosecution of Mr Sen Gupta in respect of speeches delivered by Mr Sen Gupta in Bengal?

The Honourable Mr. H. G. Haig No, Sir

PROSECUTION OF MR SEN GUPTA

903 ***Mr. Jehangir K. Munshi.** Will Government state

(*a*) why the Government of Burma considered it necessary to prosecute Mr Sen Gupta for two speeches delivered by him in Rangoon during his short temporary stay in Burma days after he had returned to India, and

(*b*) why the Government of Bengal have not considered it necessary to prosecute Mr Sen Gupta for a series of similar speeches delivered by Mr Sen Gupta in Bengal, which is the permanent centre of his political activities?

The Honourable Mr. H. G. Haig. (*a*) The Government of Burma considered that a number of statements made by Mr Sen Gupta were false or deliberately misleading and that, in the case of one speech, they were calculated to cause hatred and disaffection towards Government among the large Indian population of Burma, and in the case of another speech, that they were intended to excite the religious animosity of the Burmans against the British Government They took a serious view of the probable effect of these speeches

(*b*) The speeches, I understand, were concerned quite definitely with Burman problems and conditions and, therefore, presumably, were not similar to speeches which Mr Sen Gupta may have delivered in Bengal

Mr. Jehangir K. Munshi: Did the Government of India take the same serious view of the matter as the Government of Burma did?

The Honourable Mr. H. G. Haig: I have already explained, the Government of India have not seen the speeches

Mr. Jehangir K. Munshi: Have the Government of India satisfied themselves that the view taken by the Government of Burma was correct in view of His Excellency's speech?

The Honourable Mr H G. Haig: It is impossible to form a definite opinion without seeing the speeches

Mr. Gaya Prasad Singh: Does the Honourable Member realise that the Government of Burma and the Government of India have made themselves thoroughly ridiculous by the way in which Mr Sen Gupta was prosecuted and convicted?

Mr. President: Order, order

PROSECUTION OF MR SEN GUPTA

904 ***Mr. Jehangir K. Munshi:** If it was considered necessary or desirable (*a*) either to punish Mr Sen Gupta for speeches delivered by him during the past three months, or (*b*) to deprive him of liberty, will Government state why it was decided to prosecute him in Burma instead of in Bengal?

The Honourable Mr. H. G. Haig: There was no question of a desire to punish Mr Sen Gupta for speeches generally delivered by him during the past three months The action taken was solely concerned with the effect of the particular speeches which he made in Rangoon

IMPRISONMENT IN BURMA OF MR SEN GUPTA

905 ***Mr. Jehangir K. Munshi:** Are Government aware that strong public resentment has been caused by Government's tactics of seeking to imprison Mr Sen Gupta in Burma far away from his home, his family and his friends?

The Honourable Mr. H. G. Haig: There was no question of tactics. The Government of Burma considered it necessary to put Mr Sen Gupta on his trial in respect of speeches made at Rangoon, and the trial was in accordance with the ordinary provisions of the law held in Rangoon

Mr. Jehangir K Munshi: Are Government aware of the strong resentment caused in the public mind by this action of the Government of Burma?

The Honourable Mr. H. G. Haig: No, Sir I do not think they are

Mr. Jehangir K. Munshi: Have Government taken any steps to find out public opinion on the question?

The Honourable Mr. H. G. Haig: They seem to be eliciting a certain amount of opinion this morning (Laughter)

GOVERNMENT'S POLICY IN REGARD TO CIVIL DISOBEDIENCE

906. ***Mr. Jehangir K. Munshi:** Will Government take this Assembly into their confidence and make before this House a statement through the Honourable the Home Member with regard to their decision and policy in dealing with the Congress movement of non-violent civil disobedience?

The Honourable Mr. H. G. Haig: I would refer the Honourable Member to His Excellency the Viceroy's address to this House on the 25th January last, to which I have nothing to add.

GOVERNMENT'S POLICY IN REGARD TO CIVIL DISOBEDIENCE

907 ***Mr. Jehangir K. Munshi:** Will Government give an assurance to this House that they will not prosecute either Mahatma Gandhi or any of his lieutenants without consulting the leaders of the various parties in this House except in cases of grave emergency directly involving elements of violence?

The Honourable Mr. H. G. Haig: Government are unable to give any assurance of the kind suggested

IMPRISONMENT OF POLITICAL PRISONERS IN BURMA

908 ***Mr. Jehangir K. Munshi:** (*a*) Are Government aware that the Burma Legislative Council on the 17th of March, 1926, expressed itself against Indian politicians being taken to Burma and imprisoned in the jails of Burma?

(*b*) Are Government prepared to respect the wishes and sentiments of Burma as conveyed by the said motion carried in the Burma Legislative Council on the 17th of March, 1926?

The Honourable Mr. H. G. Haig: (*a*) and (*b*) I have seen the debate to which the Honourable Member refers It related, not to the prosecution of Indian politicians for acts performed in Burma, but to the detention of persons in Burma in respect of activities that had taken place elsewhere

LATE OFFICE HOURS IN THE FOREIGN AND POLITICAL DEPARTMENT

909 ***Mr. Mukhtar Singh:** (*a*) Will Government be pleased to lay on the table a statement showing the clerical and staff strength in 1916 and in 1930 in the Foreign and Political Department and the amount of work done in 1916 and 1930?

(*b*) Will Government be pleased to state the strength of clerical and staff establishment in the Issue, Establishment and Accounts Branches of the Foreign and Political Department of the Government of India in 1916 and 1930 and also lay on the table a statement showing the work done in 1916 and the work in 1930?

(*c*) Is it a fact that the employees have to sit late generally after 5 o'clock in order to meet the pressure of work?

(*d*) Is it a fact that a representation to this effect has been made both orally and in writing and that no action has yet been taken in the matter?

(*e*) Is it a fact that, in the Foreign and Political Department, even in branches in which there is no abnormal work, the staff is detained after 4-30 P.M. daily? If it is so, will Government be pleased to state the reasons for so doing?

Mr. E. B. Howell: (*a*) and (*b*) A statement is laid on the table It has, however, been very hastily prepared and as there have been considerable changes in the organisation of the office and the distribution of work

between 1916 and 1929, which is the latest year for which figures are available, as it stands it might be somewhat misleading With your permission, Sir, and that of the Honourable Member, I will take leave to revise it, if necessary, after further examination and add certain explanatory matter

(*c*) and (*d*) The pressure of work has undoubtedly been heavy ever since 1923, when an arbitrary reduction of twelve posts was made in accordance with a recommendation of the Inchcape Committee Some relief was afforded in 1926 by the restoration of six of these, and the question how any further relief can be obtained, consistently with the need for economy, is now under consideration

(*e*) No

Statement

1916.		1929.
2	Secretaries	2
2	Deputy Secretaries	2
1	Under Secretary(ies) . ..	2
1	Assistant Secretary (ies)	2
1	Registrar	..
1	Attaché	1
9	Superintendents	10
36	Assistants	54
46	Clerks	66
2	Stenographers	5

Regular Branches, 1916	Strength	Amount of work.	Regular Branches, 1929	Strength	Amount of work
Est. A	7	2,676	Accounts . .	8(+3)	3,625
Est. B .	6	1,857	Establishment	9(+2)	6,057
Ext A and War Branches	8	590 9,786	External	8	5,013
Est B	6	1,328	Near East . .	8	5,755
Frontier .	6	1,557	Frontier .	8	5,524
General and Liby	7	3,310	General . .	7	4,006
Int A	6	3,129	Political .	7	3,561
Int B .	6	1,655	Internal . .	6	2,875
Int. C . . .	7	1,618	Honours . .	7	2,164
			Reforms . .	7	2,671
Issue .	20	40,233	Issue . . .	16	67,002

ESTABLISHMENT OF A POST OFFICE AT KHURAD IN THE HISSAR DISTRICT

910 ***Mr. Mukhtar Singh:** (*a*) Are Government aware that in Sankrodh Khurad in Hissar District a great deal of inconvenience is felt on account of want of a post office in this village?

(*b*) Is it a fact that the amount of correspondence received and despatched from this village justifies the introduction of a post office there?

(*c*) If the answer to part (*b*) be in the affirmative, will Government be pleased to state when a post office is likely to be opened in this village? If the answer to part (*b*) be in the negative, will Government be pleased to state the amount of correspondence received and despatched by post in this village during the last year?

The Honourable Sir Bhupendra Nath Mitra: I have no information whether the facts are as stated The matter has been brought to the notice of the Postmaster-General, Punjab and North-West Frontier Circle, and he will be asked to consider whether, after investigation, the opening of a post office at Sankrodh Khurad is justified If the need for a post office is established, the Postmaster-General will take steps to open it when funds at his disposal permit

RESOLUTION *RE* ESTABLISHMENT OF VILLAGE PANCHAYATS

911 ***Mr. N. C. Kelkar:** (i) Will Government be pleased to state what action the Government of India have taken on the Resolution recommending the Government to appoint a mixed committee of officials and non-officials to examine rural conditions and establish panchayats, passed by the Legislative Assembly on the 17th September, 1929?

(ii) Will Government be pleased to state what steps, if any, they have hitherto taken or propose to take in the near future to introduce and popularise the constitution of village panchayats in centrally administered areas, in accordance with the assurance given by Sir Frank Noyce during the debate on the Resolution?

(iii) Will Government be pleased to state if they propose to lay down a general policy for the guidance of the Provincial Governments, with a view to accelerate the growth and establishment of village panchayats in all the provinces of British India?

Sir Frank Noyce: (i) For the reasons which were fully stated by the Government spokesman in the course of the debate on the subject in this House in September last, the Government of India have not found themselves in a position to accept the view that a central committee should be appointed to inquire into the administration of what is a provincial transferred subject Copies of the debate have, however, been forwarded to Local Governments for information and for such action as they may consider suitable

(ii) The views of the Local Administrations have been invited as to the action which should be taken to stimulate the development of village panchayats in their respective areas As regards the North-West Frontier Province, the Government have expressed their agreement with the Chief Commissioner that that province does not offer a hopeful field for efforts to establish village panchayats This view is borne out by the experience of the adjacent districts in the Punjab in which not a single regular

panchayat has yet been formed A similar decision has been taken in regard to Baluchistan, conditions in which also present special features. The question of extending the Punjab Village Panchayat Act, 1921, to Delhi is under consideration In Coorg, a Panchayat Act is already in existence and the Chief Commissioner is considering ways and means of establishing village panchayats As regards Ajmer-Merwara, the local authorities have promised to submit a report after examining the regulations that obtain in the United Provinces

(iii) Government are unable to accept this suggestion The matter is one which is primarily the concern of Ministers in provinces

APPOINTMENT OF NON-EUROPEANS AS PILOTS AND HARBOUR MASTERS IN RANGOON

912 *Mr. Jehangir K. Munshi: (a) Are Government aware that no non-Europeans have so far been employed as Pilots or Harbour Masters in the Port of Rangoon?

(b) Are Government prepared to afford facilities to non-European residing in Burma to qualify as Masters?

The Honourable Sir George Rainy: (a) So far as the Government of India are aware, no Indian has been appointed as a Pilot or Harbour Master at Rangoon

(b) I presume that the Honourable Member is referring to facilities for obtaining certificates of competency as Masters The Government of India do not propose to afford further facilities in this direction than are already provided by the Training Ship "Dufferin" at Bombay

CONSTRUCTION OF A ROMAN CATHOLIC CHURCH AT MINGALADON CANTONMENT, BURMA

913 *Mr Jehangir K Munshi: (a) Will Government be pleased to state what progress has been made in building the Roman Catholic Church Mingaladon Cantonments, Burma?

(b) (i) Have any plans and estimates been forwarded by the military authorities to the Government of Burma in connection with the said church?

(ii) If not, are Government prepared to see that the matter is expedited

(iii) Will Government be pleased to state when the building of the said church will be completed?

The Honourable Sir George Rainy: (a) The necessity for the construction of a Roman Catholic Church at Mingaladon Cantonment has been accepted and the local military authorities have been asked to submit proposals through the Government of Burma

(b) (i) No, not yet

(ii) The Government of Burma have reminded the local military authorities

(iii) It is not possible to give this information at present

REPRESENTATIONS FROM POSTMEN

346. **Mr C. S. Ranga Iyer:** (*a*) Will Government be pleased to state if it is a fact that when representations are made by the postmen to increase the staff, they are informed that their request cannot be complied with either on financial grounds or on the ground that statistics do not justify it?

(*b*) Is it a fact that a Postmaster's recommendation for increase in the number of clerks is invariably complied with and rarely refused?

The Honourable Sir Bhupendra Nath Mitra: (*a*) and (*b*) No, Sir

STRENGTH OF STAFF AT THE PALGHAT POST OFFICE

347 **Mr. C. S. Ranga Iyer:** (*a*) When was Palghat post office made a selection grade post office?

(*b*) What was the strength of the clerical or the postmen staff prior to its conversion as a selection grade post office?

(*c*) What is the present strength in both cases?

The Honourable Sir Bhupendra Nath Mitra: (*a*) From December 1st, 1919

(*b*) Ten clerks excluding the sub postmaster and nine postmen including one village postman

(*c*) Eleven and eight, respectively

STRENGTH OF STAFF AT THE COIMBATORE POST OFFICE

348. **Mr. C. S. Ranga Iyer:** (*a*) Is it a fact that the demand of Coimbatore postmen to increase their number was rejected on the ground that there is not statistical justification for the increase?

(*b*) Is it a fact that in the same post office of Coimbatore the clerical establishment was strengthened by two hands in one year?

(*c*) What was the strength of the clerical and postmen staff at Coimbatore in 1919 and the strength at present?

The Honourable Sir Bhupendra Nath Mitra: (*a*), (*b*) and (*c*) Government have no information, but inquiries are being made and the result will be communicated to the Honourable Member

PAY AND SERVICE OF POSTMEN IN THE MADRAS CIRCLE.

349. **Mr. C. S. Ranga Iyer:** (*a*) Will Government be pleased to state if there was any revision of pay of postmen in 1928?

(*b*) If the answer to part (*a*) be in the affirmative, how and when was the revision given effect to in the Madras Circle?

(*c*) Was the pay revised with retrospective effect and after due consideration of the service rendered by each official?

(*d*) Is it a fact that the seniors and juniors are getting equal pay and why?

(e) How many postmen are employed in each of the undermentioned Post Offices, the length of service and the present pay of each

1 Mangalore	7 Ramnad	13 Bezwada
2 Erode	8 Dindigul	14 Chirala
3 Panruti	9 Cuddalore	15 Tenkasi
4 Chidambaram	10 Palamcottah	16 Ellore
5 Pondicherry	11 Nellore	17 Cocanada
6 Coimbatore	12 Guntur	18 Salem?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes

(b) The revision was given effect to from the 1st May, 1928, and was carried out in accordance with the Fundamental Rules

(c) The reply to the first part is in the negative With respect to the second part, transfers from the old to the new scales of pay were regulated under the Fundamental Rules

(d) Government have no information as to the precise operation of the rules in individual cases But such a result does not infrequently arise in every Department from the application of the Fundamental Rule

(e) Government do not propose to call for the information as the expenditure of time and labour required for its collection would, in the opinion of Government, be out of all proportion to the importance of the result

THE CREW SYSTEM

350 **Dr. Ziauddin Ahmad:** (a) Are Government likely to replace the crew system by the old system?

(b) Why are persons now acting as crews and crews-in-charge debarred from the benefit of the Provident Fund and gratuity rules?

(c) Will Government give the number of the crew in-charge, recruited in the year 1929? How many of them were promoted from the rank of the crew?

Mr. A. A. L. Parsons: (a) The Honourable Member's attention is invited to my reply to part (a) of his starred question No 584 on the 17th March The matter is at present under the consideration of the Government of India

(b) The Honourable Member's attention is invited to my reply to part (b) of his starred question No 584 on the 17th March

(c) I am asking the Agent of the East Indian Railway to furnish the information and I will communicate later with the Honourable Member.

HOURS OF WORK OF CREWS AND GRANT OF COMPASSIONATE ALLOWANCE IN CASE OF ACCIDENT

351 **Dr. Ziauddin Ahmad:** (a) How many hours per day is a crew expected to work? Are they allowed overtime? If not, why not?

(b) Are Government aware that the members of the crew sometimes are required to work 18 hours a day?

(c) Have Government allowed any compassionate allowance to the family of the crew who met with accidental death?

(d) Is the compassionate allowance only for persons bearing European names? If not, will Government be pleased to state the names of persons, whose families were granted compassionate allowances after their accidental death?

Mr. A. A. L. Parsons: (a) In regard to the hours of work of crewmen, the Honourable Member is referred to the information supplied to Mr. Amar Nath Dutt in Railway Board's letter No 164-L , dated 30th November, 1929, a copy of which is in the Library of the House

I have called for information on the subject of the grant of overtime to crewmen and will communicate with the Honourable Member when it is received

(b) No

(c) and (d) If the Honourable Member will let me know definitely the particular case or cases he has in mind I shall supply him with the information he wants

I would like to make it clear, however, that no racial discrimination exists in the matter of the grant of compassionate gratuities

INVESTMENT OF THE RAILWAY RESERVE AND DEPRECIATION FUNDS

352 **Dr. Ziauddin Ahmad.** (a) Do Government consult Standing Railway Finance Committees about the manner in which the Reserve and Depreciation Funds are invested?

(b) If not, do Government propose to consult the Committee in future before investing its Reserve and Depreciation Funds?

Mr. A. A. L. Parsons: As was explained to the Honourable Member in reply to his question No 587 on 17th March, 1930, Reserve and Depreciation Funds are not invested in any real sense of the word, but are merged in the balances of the Government of India That being so, there can be no question of consulting the Standing Finance Committee for Railways about the manner in which they are invested

PURCHASE OF THE BENGAL AND NORTH WESTERN RAILWAY BY GOVERNMENT

353 **Dr. Ziauddin Ahmad:** (a) When will the contract of the Bengal and North Western Railway come to an end?

(b) Have Government begun negotiations for the purchase of the Bengal and North Western Railway?

(c) Have Government estimated the amount required for its purchase? If so, what is the amount?

(d) What dividend did the Bengal and North Western Railway pay during 1928-29?

Mr. A. A. L. Parsons: (a) The earliest date on which the contract can be determined is 31st December, 1932

(b) No negotiations are in progress

(c) The purchase price is estimated approximately at a little over 10 million sterling

(d) 19 per cent

RAILWAY PROJECTS

354 **Dr. Ziauddin Ahmad:** (a) What are the new railway projects costing five lakhs or more, which the Government are contemplating to initiate during the next three years?

(b) Have Government taken the consent of the Railway Finance Committee?

(c) Will Government lay the details of the projects with estimate before the Assembly before actually starting the work?

Mr. A. A. L. Parsons: (a) There are no new projects costing five lakhs or more which Government propose to initiate in 1930-31 As regards 1931-32 and 1932-33, it is not possible at present to forecast what projects Government are likely to be able to take up

(b) and (c) Do not arise

UNCLAIMED INTEREST ON GOVERNMENT SECURITIES

355 **Dr. Ziauddin Ahmad:** (a) What is the amount of unclaimed interest in the years 1926-27, 1927-28 and 1928-29, in the Post Office Savings Bank, Government Securities, War Bonds and Loans, etc ?

(b) To whom do Government propose to hand over the unclaimed interest?

The Honourable Sir George Schuster: (a) The information is not available and Government do not consider that the advantage to be obtained from compiling the necessary figures would be commensurate with the work involved

(b) Interest not claimed in the year in which it falls due may be claimed in subsequent years Interest which is not claimed is not debited to Revenue and this reduces Government expenditure and the general burden of taxation

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SHORT NOTICE QUESTION AND ANSWER

HUNGER STRIKE BY THE KAKORI PRISONERS IN BAREILLY JAIL.

Mr. M. S. Aney (on behalf of Mr N C Kelkar) (a) Is it a fact that some of the Kakori prisoners in Bareilly Jail are on hunger strike?

(b) Is it a fact that they so exhausted that they may die any moment?

(c) Is it a fact they have started the hunger strike on account of their standing grievance, that they are not given the benefit of even the new Jail Rules for treatment of prisoners?

(*d*) Is it a fact that these prisoners are still treated as "C" class prisoners?

(*e*) Is it a fact that they are willing to give up hunger strike if they are treated even as "B" class prisoners?

(*f*) Will Government state whether the new Jail Rules have been communicated to the authorities of the Bareilly Jail? If so, when?

(*g*) If not, will Government explain why they were not so communicated?

(*h*) Will Government state whether the jail authorities of Bareilly have been asked for and given any explanation of their conduct in not making the new Jail Rules applicable to these prisoners?

(*i*) Are Government prepared to take immediate steps to see that the grievances of these hunger strikers are redressed at once?

The Honourable Mr. H. G. Haig: (*a*) Yes

(*b*) My information is that their condition is fair

(*c*) They started hunger-striking on the 8th February, before the new rules were brought out

(*d*) They have been treated as ordinary prisoners under the old rules.

(*e*) I understand that this is so

(*f*) to (*i*) The Jail Superintendents were duly instructed to make their recommendations about the classification of prisoners, and the Local Government have now had sufficient material to begin considering the cases as a whole and have passed orders regarding prisoners in a number of their jails They have classified the Kakori prisoners, among others, in B class

Mr. Jehangir K. Munshi: Will the Honourable Member make it clear to the House what he means by saying, "Their condition is fair"?

Dr. A. Suhrawardy: That is they are not on the point of death

The Honourable Mr. H. G. Haig: That is the report we received from the Local Government, and I am afraid I cannot amplify it

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MESSAGE FROM THE COUNCIL OF STATE

Secretary of the Assembly: Sir, the following Message has been received from the Secretary of the Council of State

"I am directed to inform you that the Council of State has, at its meeting held on the 27th March, 1930, agreed without any amendment to the Bill further to amend the Sea Customs Act, 1878, to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to vary certain duties leviable under the Indian Tariff Act, 1894, to fix maximum rates of postage under the Indian Post Office Act, 1898, to fix rates of income-tax, to vary the excise duty on kerosene leviable under the Indian Finance Act, 1922, and further to amend the Indian Paper Currency Act, 1923, and the Indian Finance Act, 1926, which was passed by the Legislative Assembly at its meeting held on the 24th March, 1930"

INTEREST ON DEBT AND REDUCTION OR AVOIDANCE OF DEBT.

The Honourable Sir George Schuster (Finance Member) Sir, I beg to move

"That a supplementary sum not exceeding Rs 3 62,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1930, in respect of 'Interest on debt and reduction or avoidance of debt' "

The motion was adopted

FOREIGN AND POLITICAL DEPARTMENT.

The Honourable Sir George Schuster: Sir, I beg to move

"That a supplementary sum not exceeding Rs 43,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1930, in respect of 'Foreign and Political Department' "

Mr. President: Will the Honourable Member kindly tell the House for what purpose this supplementary Demand is asked for to enable me to decide whether the amendment tabled is in order

The Honourable Sir George Schuster: The supplementary Demand is required to meet the cost of telegrams, which attained an unexpectedly high figure The circumstances in which this had occurred are fully reported in the proceedings of the Standing Finance Committee, which have been circulated to Honourable Members

Mr. President: Has that anything to do with the deportation and continued ill-treatment of the ex-Maharaja of Nabha?

The Honourable Sir George Schuster: I am unable to trace any direct connection between the two subjects.

Mr. President: The question is

"That a supplementary sum not exceeding Rs 43,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1930, in respect of 'Foreign and Political Department' "

Mr. M. K. Acharya (South Arcot *cum* Chingleput Non-Muhammadan Rural) Sir, I beg to move

"That the Demand for a supplementary sum

Mr. President: Before the Honourable Member moves his amendment, I want him to tell me how his motion is in order, because, as the Honourable Member already knows, on a supplementary Demand for Grants, no questions of policy can be raised, but any question that is directly concerned with or relevant to the expenditure that is necessary can be allowed

Mr. M. K. Acharya: I presume, from the details I have been able to get about the grant in question, that a portion of that grant will certainly be spent in probably issuing instructions to guide the personal conduct of the ex-Maharaja of Nabha, who is now confined in Kodaikanal. Therefore,

before even a single pie could be utilised for that purpose, the House will have to be satisfied and the House has got reason to demand that proper treatment is afforded to the person who is now confined in jail under Government custody in Kodaikanal hills That, I think, Sir, is perfectly relevant to the question before us whether this supplementary sum could be given for use of telegrams and things of that kind for the Foreign and Political Department a portion of which I think was certainly going to be spent in regard to this particular purpose If you, however, rule my motion out of order, I shall not move it

Mr. E. B. Howell (Foreign Secretary). May I assure the Honourable Member that no portion of the money was spent on telegrams of that nature?

Mr. President: I am afraid in that case I cannot allow the Honourable Member to move his amendment *

Mr. Fazal Ibrahim Rahimtulla (Bombay Central Division Muhammadan) Sir, I have got an amendment† in my name to this Demand

Mr. President: Is that also connected with the expenses on telegrams?

Mr. E. B. Howell: I must admit, Sir, that some of this has been spent on telegrams for matters connected with the amendment which my Honourable friend is proposing If I may say so, it was more or less, at his direct request, that money was spent on telegrams for matters connected with this affair

Mr. President: I do not quite follow the Honourable Member Has this motion any connection with the supplementary Demand for Grant?

Mr. E. B. Howell: No real connection, Sir We have spent some small portion of this sum, the grant for which is now asked for, on telegrams, some of which—perhaps one or two of which—were connected with the subject matter which my Honourable friend has in mind, and which he has mentioned in his motion But may I make a further observation, Sir? Even supposing that that is so, I would ask your ruling, Sir, whether the Honourable Member's motion is in order, seeing that it cannot be discussed without affecting the relations between the Government of India and the ruler of a foreign State, the State of Muscat, to which Gwadur belongs

Mr. Fazal Ibrahim Rahimtulla. I want to raise this issue because I want to know what measures the Government of India are adopting in order to ensure the life and property of British subjects who are residing in Gwadur temporarily for the purpose of business The British resident is the representative of His Majesty for the safeguarding of these subjects, and I wish to raise the discussion in order to find out what part he has played during the disturbances of 1929 I have no desire to bring the State of Muscat at all into this debate Sir, I beg to move . .

Mr. E. B. Howell: Sir, I am asking for your ruling whether the Honourable Member's motion is in order, in view of the fact that it concerns relations with another State

*"That the demand for a supplementary grant of a sum not exceeding Rs 43,000 in respect of 'Foreign and Political Department' be reduced by Rs 100" (The deportation and continued ill treatment of the Ex-Maharaja of Nabha.)

†"That the Demand for a supplementary grant of a sum not exceeding Rs 43,000 in respect of 'Foreign and Political Department' be reduced by Rs. 100" (Treatment of British subjects at Gwadur.)

Mr. President: It is a very difficult question, and if the Honourable Member will enlighten me as to which rule or Standing Order debars any such discussion on a budget cut, I shall be much obliged

Mr. E. B. Howell: I shall endeavour to convince you, Sir The Honourable Member's complaint is that, in the course of certain disturbances which arose in the town of Gwadur last year, a member of the Khoja community, who are in a very small minority there, was murdered, and it amounts to a complaint that the case was not very adequately investigated by the Muscat authorities, and that the persons guilty of the murder were not punished as they should have been A matter of this sort necessarily affects the relations between the Government of India and the authorities of the Muscat State in that the Government of India could not possibly express any opinion to the adequacy of those proceedings and the measures taken without affecting their relations with the Muscat State

Mr. President: I quite understand that, but under what rule or Standing Order is a discussion of a matter of that kind prohibited on a budget cut?

Mr. E. B. Howell: With all due deference I understand it is prohibited by Legislative Rule 23 (1)

Mr. President: That applies to Resolutions, does it not?

Mr. E. B. Howell: It does

Mr. President: This is not a Resolution.

The Honourable Sir George Schuster: Sir, on a point of order, I venture to submit that, if you allowed a motion of this kind to be discussed in connection with a supplementary Demand of this kind, you would, in effect, be departing from the spirit of the rule which you have hitherto applied in dealing with these questions A supplementary grant for the cost of telegrams must obviously cover telegrams dealing with practically every subject which comes within the purview of the Foreign and Political Department But if the mere fact that a sum of, say, eight annas has been spent on a telegram on a question of policy enables the Honourable Member to initiate a debate on that policy in this Assembly I submit it would lead to a great waste of time and diversion of attention to matters of policy on occasions when this House ought not really to be asked to deal with them

Mr. President: That is a point that I understand

Pandit Hirday Nath Kunzru (Agra Division Non-Muhammadan Rural): Sir, may I point out with reference to what fell from Mr Howell?

Mr. President: I do not wish to give any ruling on the main objection, because it involves a very important point of principle and I should not like to hazard any opinion all at once There must be a full discussion before I can give any definite ruling, but in view of the observations made by the Honourable the Finance Member, I am not inclined to allow the Honourable Member to proceed with his motion.

Pandit Hirday Nath Kunzru: This is without prejudice to the larger question raised by Mr Howell?

Mr. President: Yes, without prejudice to the larger question The question is:

"That a supplementary sum not exceeding Rs 43,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1930, in respect of 'Foreign and Political Department' "

The motion was adopted

MISCELLANEOUS DEPARTMENTS.

The Honourable Sir George Schuster: Sir, I beg to move

"That a supplementary sum not exceeding Rs 3,30,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1930, in respect of 'Miscellaneous Departments' "

As there is another amendment* tabled in connection with this Demand I would explain that the purpose of this Demand is

Mr. President: Does any amount out of this go to the party leaders?

The Honourable Sir George Schuster: I trust not, Sir

Mr. President: The question is

"That a supplementary sum not exceeding Rs 3,30,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1930, in respect of 'Miscellaneous Departments' "

The motion was adopted

CIVIL WORKS.

The Honourable Sir George Schuster: Sir, I beg to move

'That a supplementary sum not exceeding Rs 11,70,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1930, in respect of 'Civil Works' '

Mr. President (to Dr Ziauddin Ahmad) The Honourable Member wishes by his amendment† to raise a question of policy which I cannot allow

The question is

"That a supplementary sum not exceeding Rs 11,70,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1930, in respect of 'Civil Works' "

The motion was adopted

THE COTTON TEXTILE INDUSTRY (PROTECTION) BILL

POINTS OF ORDER

Mr. President: Before the House proceeds with further discussion on the Cotton Tariff Bill, I propose to give the Chair's decision on the points of order raised

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By Mr Gaya Prasad Singh

*"That the Demand for a supplementary grant of a sum not exceeding Rs 43,000 in respect of 'Foreign and Political Department' (page 2) be reduced by Rs 100" (Ineligibility of Indians for appointment as Diplomatic representatives)

†"That the Demand for a supplementary grant of a sum not exceeding Rs. 11,70,000 in respect of 'Civil Works' be reduced by Rs 100" (Bad supervision and over payment in the works done at Dehra Dun)

[Mr. President]

The Honourable the Leader of the Opposition formulated for the Chair's consideration the following propositions

1 Whether the interpretation put by the Honourable Sir George Rainy on the fiscal convention is correct and consistent with the recent declaration of the Secretary of State,

2 Whether the attitude taken up by the Government that they have not an open mind in regard to his amendment, and that, if that or any other amendment is accepted by the House, they will not further proceed with the Bill, is consistent with the fiscal autonomy convention,

3 Whether official and nominated non-official Members are entitled to record their votes on a division on this Bill

The Honourable the Leader of the Independent Party then raised a point of order as to whether any of the three points, which have been stated, and which are contained in the statement of Pandit Madan Mohan Malaviya, are points of order, having regard to the progress of the Bill

The Honourable the Law Member concurred with the Honourable the Leader of the Independent Party in the view that they are not points of order

The central contention is that, even if the points of order raised by the Honourable the Leader of the Opposition were sound, it does not seem that the Chair can give any relief, and where no relief is possible, no point of order can arise

The Chair cannot concur with this view The test whether a point is a point of order is not as to whether the Chair can give any relief, but whether it involves an interpretation of the rules, Standing Orders and various parts of the constitution which regulate the course of business of the House in one form or another, and whether it raises a question which the Chair alone can decide The points of order raised by the Honourable the Leader of the Opposition fulfil these conditions I therefore rule that the points raised by the Honourable the Leader of the Opposition are points of order within the Standing Orders and rules of the House

1 The Honourable the Leader of the Opposition, by his first point, invites the Chair to give the House its authoritative interpretation of the fiscal convention I desire to assure him and the House that, if I were satisfied that such interpretation was necessary for any specific purpose connected with the debate on this Bill, I should have, without hesitation, responded But from what will follow later, the House will see that it is wholly unnecessary for me, for the purpose we have in hand, to proceed to interpret the Convention at this stage I therefore refrain from doing so

2 The position with regard to the second point is not so clear The mill industry of India is admittedly on its last legs and needs immediate and substantial protection The Government of India have submitted their proposals in that behalf to this House in the form of this Bill based on the fiscal convention They tell the House

in the initial stages of the Bill, that if the Assembly does not accept their proposal, it will be impossible for them to proceed further with the Bill This has created an impression in the minds of Honourable Members that, if the House did not accept the proposals of the Government of India, the mill industry of India would go without any protection, resulting in its total destruction Several speakers, during the course of the debate, have expressed their strong resentment and disapproval of this attitude of Government

In the considered opinion of the Chair, the Government were not within their rights in taking up that attitude, having regard to the terms of the convention, and this is so, whichever of the two interpretations of the convention is correct If we take the interpretation of the Leader of the Opposition, that the vote of the House is final and binding on Government, the Government are bound to proceed with the Bill and take the vote of the House on it According to the other interpretation, *viz*, that put by the Commerce Member, as soon as disagreement is found between the Legislature and the Government, the Secretary of State would resume his powers of direction, superintendence and control That means that the Secretary of State might either agree with the Government of India or with the Legislature But if the House, by the attitude of the Government, is virtually compelled to accept the Government's proposals, no case for the interference of the Secretary of State would arise, and the House would thus be deprived of the opportunity of recording their free vote on them and having the matter examined by the Secretary of State In either view, therefore, a free vote of the House is essential in all measures under the convention It is therefore clear that the statement that the Government would not proceed with the Bill is not warranted by the constitutional position, and is also calculated to seriously interfere with the free vote of the House In the first case, where it is contended that the vote of the House is of a binding character, the Government of India are bound to proceed with the Bill In the other case where the Secretary of State resumes his powers, he might throw his weight with the Legislature and direct the Government of India to proceed with the Bill, and even where he does not accept the view of the Legislature he might ask the Government of India to proceed by way of recommendation or certification The Government of India are not fair to themselves or to the Secretary of State when they convey an impression that, if the House did not accept their proposals, they would allow the mill industry of India to go to wreck and ruin

In these circumstances, and in the interests of the freedom of vote in this House, and in either view of the convention, it is due to the House that the Government of India should, even at this late stage, reconsider their position and tell the House that they have an open mind and that they have not finally decided, and indeed could not decide, without reference to the Secretary of State, to drop the Bill, in the event of the House amending their proposals in any manner I hope they will realise, on reflection, if indeed they have already not done so, that by the extraordinary attitude they have taken up, they have denied the House an opportunity to convince them by arguments and persuasion and thus rendered the whole debate on this measure unreal and farcical, and violated the spirit of the convention. I am aware that the suggestion made by me, even if carried out by Government, would not undo fully the mischief done by the statements of the Commerce

[Mr President]

Member That, however, is the minimum that is due to the House in the interest of free expression of opinion and freedom of vote, so necessary in this matter.

3 I now come to the third point The Honourable the Leader of the Opposition contends that official and nominated non-official Members are not entitled to record their votes on any division on this measure I fully appreciate the point of view of the Leader of the Opposition that any decision taken in a House, constituted as this is, with 144 Members, of whom 26 do not represent any electorate in India, will go forth to the world as the decision of India in favour of Imperial Preference and it is therefore necessary that if the convention is to be worked in the spirit of the recommendation of the Joint Parliamentary Committee, official Members should not vote But, I hope, he will, in his turn, appreciate the limitations of the Chair, due to the constitution under which it is bound to conduct the business of this House, and I am sure no one knows more than the Leader of the Opposition that, by no possible stretch of language is it open to the Chair to rule that official Members shall not vote The question whether they should or should not vote is for them to decide As to their right to vote, there can be no question So also the right of the non-official nominated Members I agree that real fiscal autonomy is possible, even under the existing constitution, if the decision on fiscal measures is left to the vote of the non-official Members and such decision is regarded as binding on the Executive but this can be done by a convention and not by a ruling of the Chair I therefore rule that the official and nominated non-official Members are entitled to record their votes

Before we proceed with the discussion of this measure, I desire to tell Honourable Members that it is my wish to finish this Bill in the course of the day and I hope and trust Honourable Members will co-operate with me in pushing through the various stages If the Government also would restrict other business only to non-controversial matters, we may finish the whole business and adjourn the House But that is for them to consider, but so far as the whole House is concerned, I appeal to them to co-operate with me in putting through this particular measure today (Applause)

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour) May I ask you, Sir, to adjourn the House up to half past two, to enable me and my colleagues on these Benches to consider the decision you have given, particularly that which refers to the action taken by my Honourable colleague, Sir George Rainy, at an earlier stage of this discussion, so that we may inform you as to the course of action which Government propose to take in regard to that decision?

Mr. President: The Honourable Member, before voting takes place, can say whether, on behalf of the Government, he is prepared to accept that suggestion or not The suggestion—he knows I have not given it the form of a definite ruling which I must enforce I have merely made a suggestion in the general interest of the House as a whole, and in the interest of the growth of Parliamentary institutions in this country If yet the Honourable the Leader of the House wants time, I am perfectly willing to adjourn the House till half past Two

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): No, Sir, No useful purpose will be served in view of the expression of opinion that

you have given I think, Sir,—most respectfully I submit—that we should proceed with the Bill and the Government can make their statement at any time they like

The Honourable Sir Bhupendra Nath Mitra: If, as I understand it more precisely, it is a suggestion and not a decision, I am quite willing to fall in with your desires in the matter

Mr. President: I have made a suggestion which might be turned into a decision any moment It all depends upon what the Government are going to say

The Honourable Sir Bhupendra Nath Mitra: That is my precise difficulty I thought this was a ruling, a decision, and therefore I wanted time If, on the other hand it is a mere suggestion for the consideration of the Government and Government will have an opportunity of considering the matter between now and the time when the debate on this Bill comes to a conclusion, in view of what fell from my Honourable friend, the Leader of the Independent Party, I have not the slightest desire to stop the progress of this discussion

Mr. President: I think we had better proceed with the Bill, because it is my desire that we should get through this Bill today

The House will resume further consideration of the Bill further to amend the Indian Tariff Act, 1894, and to amend the Indian Tariff (Cotton Yarn Amendment) Act, 1927

I think we have had 4½ days debate on this and every aspect of the case has been threshed out and all that is required is really that the Honourable the Commerce Member should give his reply to the Debate on the amendment* and we can then proceed further.

The Honourable Sir George Rainy (Member for Commerce and Railways) I think the House would like to hear Mr Hardy, who is in a position to speak on one aspect of the case with greater authority than anybody else, and that is with regard to the administrative difficulties

Mr. President: If he promises not to be long, certainly

Mr. G S Hardy: I will not be long

Mr. President: Mr Hardy

Mr. G. S. Hardy (Commerce Department Nominated Official) Sir, it is not often, during the debate on a measure in this House, that an executive officer of Government, who will be responsible for its working, is given an opportunity of explaining on the floor of the House the difficulties which he apprehends will arise, should it become law I welcome that opportunity, Sir, and I ask the House to bear with me for a few

*Amendment by Pandit Madan Mohan Malaviya that

"In sub clause (*1*) of clause 2, for the proposed Item No 156A, the following be substituted

'156A	Cotton piece goods	*Ad valorem*	15 per cent. or 3½ annas per pound, whichever is higher' "

[Mr G. S Hardy]

moments while I describe some of the practical problems that would arise if this amendment were passed and a minimum specific duty, based on weight, were imposed on all classes of cotton piece-goods I should like to explain at the outset, Sir, that I am not concerned primarily with the additional labour and annoyance that will be caused to officers of the Customs Department, for I am quite sure that, if additional staff is required to carry out the wishes of this House, the House will give a sympathetic hearing to demands for any supplementary grants that may be required for the purpose I am concerned, Sir, rather with the convenience and interests of piece-goods importers, piece-goods merchants and piece-goods consumers It may come as a surprise to those who are accustomed to regard the Customs officer as the natural and sworn enemy of trade, to find one posing as the champion of the rights of importers and pleading for their interests I can assure any Honourable Members, who hold that view, that we, Collectors of Customs, are on the most friendly terms with the large majority of importers It is true that, we have to extract from them the uttermost farthing which the law demands, but a great deal of our time is spent in trying to ensure that the process of extraction is performed as painlessly as possible We exercise in fact, Sir, the dual function of the dental surgeon and the anæsthetist, and it is in the latter, rather than in the former capacity, that I appeal to the House to give some consideration to that long-suffering patient, the importer Let me first of all, Sir, describe, very briefly, the procedure which the importer has to follow before he can obtain possession of a consignment of piece-goods On the arrival of the steamer in port, he takes his bill-of-lading, the document that gives him the title to his goods, to the office of the steamship company who communicates to him the number of his particular item in the ship's manifest without which he cannot make entry at the Custom House They also give him a delivery order, which he will require at a later stage He then prepares his bill of-entry, in which he must give a complete description of his consignment, the number of packages, the marks of each, a sufficient description of each style for the purpose of both statistical classification and assessment, the number of pieces, the size of each, and the c i f cost He must also declare for each style the market price ruling in the port at the date of entry When he has completed his bill-of-entry, he presents it to the import department which checks it with the corresponding item in the manifest and if it corresponds, he can then proceed to appraisement He takes his bill and other documents with the shipment-samples for each style to an appraiser, who sees that all the details are correctly transcribed, and then proceeds to check the market value I will not weary Honourable Members of this House with a full description of this process, any Honourable Member who is interested will find an account of it in paragraph 24 of my Report If the appraiser is satisfied, he makes a provisional assessment which is then checked by a second senior appraiser I would remind this House that this second check was recently imposed as a result of the recommendations made by the Public Accounts Committee of this House I understand that the House attaches considerable importance to it I only mention it because it constitutes a further complication in the process of the clearance of goods When this process is complete, he is then able to proceed with the physical examination of his goods He takes his

documents and the shipment samples to the wharf and with the help of the Port Authority's staff he identifies his packages, and presents them to the examining appraiser This officer checks the quantities, compares the goods with the sample on which the valuation has been based and, if everything is in order, he confirms the assessment The importer then pays the duty, obtains a clearance order, goes to the Port Authority's office and pays port charges, and is then finally in a position to clear his goods I am afraid, Sir, that this has been a very tedious description and I hope the House has not found it unduly wearisome If so, I should like to assure the House that it is a very much more wearisome business for the importer who has to carry out the processes I have described He is only allowed a very limited free time for this purpose, beyond which he becomes chargeable with demurrage I think it is a fair statement to say that the free time allowed is sufficient but only just sufficient if there is no hitch in the procedure and no dispute as to the assessment

Now, Sir, we are proposing to complicate this process of clearance by the addition of a second assessment If this amendment is carried, the appraising staff will have to carry out two separate assessments and compare the results before a final assessment can be made It may be suggested that the Port authorities should be moved to allow additional free time for this purpose I am afraid that this is not a practicable suggestion The free time allowed varies somewhat from port to port, but in each case has been very carefully calculated in relation to local conditions so as to ensure rapid transit of cargo and to avoid congestion It is clear, therefore, that every importer will be put to considerable inconvenience, unless we can reduce to a minimum the trouble caused by this second additional assessment

Now, Sir, I should like to point out that a minimum specific duty on cotton piece-goods, based on weight is a definite departure from ordinary tariff principles We have, in our tariff, a large number of specific duties on sugar, coal, oils, and various other articles, but in every case the specific duty is based on the unit by which the goods are bought and sold Cotton goods in this country are occasionally sold retail by weight and Indian mills occasionally sell by weight in the wholesale trade but, in the import trade, piece-goods are never bought or sold by weight, they are invariably sold by the piece The advantage of having a duty based on a unit, which is the unit of sale, is obvious If the duty is a minimum duty, then the ascertainment of quantity involved in assessing *ad valorem* duty is equally useful for the assessment of the specific duty With a single specific duty, if the unit of assessment is the same as the unit of sale, we have in the invoice for the article evidence of the first order as to the quantity of the goods on which the duty is payable The importer is not going to pay for goods which he has not received, and the supplier is not going to send him goods for which he is not going to be paid Consequently there is a very strong presumption that the quantities stated in the invoice are correct, and we can confine ourselves, in assessing the specific duty on such an article, to a mere percentage check of the weight or volume as the case may be Now, we shall have no such safeguard in the assessment of this minimum duty Therefore, Sir, it is clear that we must carry out much more intensive checks of quantity and shall only be able to administer this minimum duty without serious difficulty if we confine it to classes of goods which for some special reason can be simply and expeditiously

[Mr G S Hardy]

weighed. I hope to convince this House that the only class of goods which satisfies this condition is the class of "plain grey" goods as defined in the Government Bill. The distinctive features of plain grey goods for this purpose are that they are packed in bales, no one of which ordinarily contains cloth of more than one size or of one quality The gunny packing of the bale and the baling hoops constitute a very small proportion of the total weight of each bale Consequently, by weighing a bale and making a small empirical deduction for tare, we can arrive at the nett weight of the contents without any very great difficulty Now, Sir, grey dhotis are also packed in bales, but unfortunately the contents of such bales are not uniform. We find that a large proportion of bales of dhotis contain goods of different styles and different sizes, all packed together, so that a part of the contents of a bale may be assessable to the specific duty and a part to the *ad valorem* rate, and we cannot therefore make a proper assessment without opening the bale Nor would it be possible to apply the minimum duty to the gross contents of a bale, for this would offer an obvious and simple method of evading the minimum duty and would practically defeat its object This feature of the dhoti trade, of having bales packed with mixed assortments, is one that is very popular and one which I am sure this House would not wish to do anything to discourage The up country merchant wants an assortment of different styles, every man has his own taste in dhotis nor is everybody the same size I am quite sure that if my Honourable friend Mr Mody and my Honourable friend Mr Ramsay Scott and myself were to go out to buy dhotis together for our personal use, and the merchant to whom we went had only one size in stock, at least two of us would be disappointed I should like to emphasise this point further by calling the attention of the House to a consignment with which I recently had to deal It was a shipload of plain grey cloth from Japan consisting of some six hundred odd bales, there were fifteen different styles in the whole consignment, that is, an average of about 40 bales for each style Now, Sir, we could have assessed those 600 bales to a specific duty by the weighment of a reasonable percentage, say 5 per cent of each style, so that only 30 bales would have to be weighed and none would have to be opened Now, I have here a document relating to a shipload of dhotis It covers 11 pages, it relates to 581 bales, and it includes 206 different lots, so that the least we could do in this case would be to weigh 206 bales But out of these 206 lots, no less than 62 were mixed consignments, each bale having a number of different sizes and styles

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Now, Sir, we always try and avoid in the Custom Houses, the opening of bales of piece-goods, because, when once you open a bale by cutting the baling hoops over the gunny, the contents of the bale immediately expand to two or three times their original volume, and they cannot be replaced in the original packing I would ask the House to consider what would be the result if we had to deal with a consignment like that and open 62 bales Honourable Members from Bombay may remember that some 10 or 12 years ago there was a large fire in the Mooljı Jaitha piece-goods market I was there the morning after the fire The Fire Brigade had extinguished the fire, the Salvage Corps were at work, and the streets all round were piled up with loose piece-goods. Now, Sir, that is what our wharves would look like if we tried to assess this specific duty on dhotis.

It may be suggested that dhotis might be packed in cases, but there are two objections to that Firstly, it is a much more expensive form of packing and as the goods are not packed under pressure they occupy a much larger space and importers will have to pay more freight, the extra cost of which must fall on the consumer The second objection is that the assessment of a specific duty on goods in cases is itself very difficult. We have already had experience of assessing the minimum specific duty on cotton yarn, which is both assessed and bought and sold by the pound. Even there we found when we came to make check-weighments, that there was considerable variation owing to moisture and other causes from the nominal weights on which the goods were sold We had some difficulty in arriving at a satisfactory arrangement with importers whereby we assessed on the selling weights and made reasonable allowances for such variations as were recognised by the trade We cannot apply that system to cotton piece-goods packed in cases which will be liable to similar variations because there is no "selling weight" We shall have to undertake actual weighment of individual pieces from each separate lot of coloured and white goods They arrive in lots which average only three or four cases to each lot, and we shall have to open at least one in every three or four and remove the contents for weighment Weighment of individual pieces is a delicate matter, we cannot use rough scales, nor can we carry delicate scales about the wharves We shall have to bring all the samples to the Custom Houses, and I can say quite frankly that we simply have not the space for the purpose There will be enormous delays in the assessment of these goods, wharves will be congested, trade will be dislocated, and shipping will be held up I think it is clear that the only class on which we can assess a specific duty with reasonable ease and expedition is the class of "plain grey" goods as defined in the Bill I am quite prepared to admit that the minimum specific duty would not be applicable to all goods, but it must be remembered that we should not have to weigh those goods, which were actually liable to the specific duty We should have to weigh all goods whose price was sufficiently near the critical figure to raise the slightest doubt as to whether they were liable to the minimum or not, and that would constitute a very large percentage of the total

It may be argued that, in other countries, specific duties based on weight are to be found in their tariffs If they find them practicable, why not in India? The answer, Sir, is this, that in those countries where specific duties are based on weight, a very large proportion of the piece-goods trade is done by weight, a lot of the trade is rail-borne and not sea-borne, and consequently freight is charged on weight and not on volume In none of those countries is the variety of the trade anything like it is in India, in none of those countries is the volume of the trade anything like it is in India, and in none of them do they attempt to administer an alternative duty, such as is proposed here

Sir, it is a happy coincidence that the class of goods which Government desire particularly to protect is the one which is particularly susceptible to simple and expeditious weighment Coincidences are always apt to arouse suspicion, but the reason for this one is not far to seek It is cheap standardised cloth which is packed in the simplest and cheapest form of packing and is consequently simple to weigh It is cheap standardised cloth which comes in large uniform consignments which enable us to

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be satisfied with a percentage check It is cheap standardised cloth which competes most severely with the Indian mills, and it is against the cheap standardised cloth that the Indian mills require special protection to enable them to organize similar standardization which will eventually result in cheapness to the consumer

Sir, when this debate finally comes to an end, when the last of the amendments has been moved and discussed, and when the Bill, in whatever form it may finally take, becomes law Honourable Members from Bombay will be able to go back and enjoy the protection which this House may decide to give them Other Honourable Members, including my friend the Honourable the Commerce Member, will be able to go back and put this vexed question of cotton piece-goods tariffs out of their minds for the time being I, Sir, shall not be in that fortunate position My troubles will just be beginning I appeal to all Honourable Members of this House to reject the amendment of the Honourable Pandit Madan Mohan Malaviya, which seeks to impose on the tariff an anomaly which will cause very great inconvenience to importers, dislocation of trade and inevitable loss to the consumer

Mr. M. A. Jinnah: I do not wish to take up the time of the House unnecessarily, but I want to make my position clear with regard to this amendment of my friend Pandit Madan Mohan Malaviya Sir, I am opposed to this amendment on the merits I have carefully considered this question and I have come to the conclusion that it is detrimental to the interests of India to accept this amendment The object of my Honourable friend will not be served In my opinion it will enable Lancashire to escape completely from any duty beyond the 15 per cent revenue duty. So far as Japan is concerned, it escapes straightaway the 5 per cent protective duty Therefore, Sir, I have come to the conclusion that this will not constitute an effective, or for the matter of that, an adequate, protection for the textile industry On the merits I am opposed to it The objection which has been pointed out by Mr Hardy is only on the ground of administrative difficulties My difficulties are that it will enable Japan to escape this duty by turning its attention and energy to the manufacture of finer counts Out of the 14,000 million yards which form the total import from Lancashire, the goods which directly compete with our manufactures are about 186 million yards There Lancashire will probably completely escape, and Japan may turn its energies and its attention to making finer counts The result of this amendment would be that the mill industry will be reduced to that protection only which is given indirectly by the 15 per cent. revenue duty against Lancashire Sir that is not giving adequate protection to the textile industry of ours and I am not prepared, merely with one object and the sole object, namely, of getting rid of Imperial Preference, to reduce the measure of necessary protection and which is the main object of the Bill I think my Honourable friend is too much carried away with his ideas of Imperial Preference and is carried away to such an extent that, as long as he can secure the elimination of "Imperial Preference", he is indifferent as to what other disadvantages may ensue

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): No.

Mr. M. A. Jinnah: The result of that amendment will be that Therefore I want to make it clear that I am opposed to this amendment on the merits, but if there is any other proposal which can be considered by this House, I am quite willing, and my party is quite willing to give due consideration to that if circumstances permit us to do so, but that stage is not reached yet

Diwan Chaman Lall (West Punjab Non-Muhammadan): Sir, I cannot understand the position taken up by the Leader of the Independent Party. The original position taken up by him was this, that he would support the proposals of the Government of India as modified by Mr Chetty's amendment, because he was not in a position to alter those proposals except at the sacrifice of the Bill itself Now, I understand the position is, the Honourable Member is not prepared to accept the amendment moved by the Honourable the Leader of the Nationalist Party, because he is opposed to it on its merits but that he is prepared to accept another amendment if it is moved

Mr. M. A. Jinnah: I have said the same thing from the start I said that my party would be prepared to consider any other amendment I said at the very start that I myself have got an amendment to move. Therefore I have not committed myself to any particular amendment, but I said that I am open to consider the amendment under certain circumstances, but in so far as this amendment has been moved, I am opposed to it on its merits

Diwan Chaman Lall: The position is just as obscure as it was in the beginning I want the Honourable Member to assist this House with regard to the position that he has taken up Either the position is that he will accept nothing moved from this side of the House which materially affects the proposition placed before the House by Government .

Mr. M. A. Jinnah: The Honourable Member is either dense or he refuses to understand I made it very clear that, so far as this amendment is concerned, I am opposed to it on the merits If there is any other amendment, I am prepared to consider it I have got an amendment to move myself

Diwan Chaman Lall: May I ask the Honourable Member to refer to his speech? His original speech definitely stated the grounds on which he based his argument He said that he would accept the proposals of the Government as modified by Mr Chetty, and they had his fullest support whether he agreed with them or not

Mr. M. A. Jinnah: That is not true, I never said that

Diwan Chaman Lall: May I remind the Honourable Member that he used the very expressive phrase, "beggars cannot be choosers".

Mr. M. A. Jinnah: I never said that in connection with this particular point I said that in answer to an interruption

Diwan Chaman Lall: Any how, I take it that the Honourable Member is prepared to move his amendment If any other proposal is put forward from this side of the House which the Honourable Member is prepared to accept, which the Government may not accept, I want to know from the Honourable Member whether he would be prepared to wreck this Bill even in that case.

Mr. M. A. Jinnah: That stage has not yet been reached I will inform the Honourable Member and the House when that stage is reached

Mr. M. S. Aney (Berar Representative) May I ask one question about the procedure that we are following You have stated that you will allow Honourable Members who have got amendments to move them and then allow a general debate If my Honourable friend Mr Jinnah has got an amendment, he should also move it

Mr. President: I have restricted the debate to the two main amendments, that of Mr Chetty and that of Pandit Madan Mohan Malaviya When they are disposed of, I will take other amendments

Diwan Chaman Lall: As I have already said, I am against the principle of Imperial Preference, as imported into this Bill by the amendment moved by Mr. Chetty Further, if the original Bill as well as the Finance Bill are examined, the principle of Imperial Preference is there If the Government were not to accept Mr Chetty's amendment, the position, as I understand it, would be this, that British goods would come in entirely duty free, whereas Japanese goods or other goods from other countries would be taxed That would be the position, but by accepting Mr Chetty's amendment, the position is altered in this respect that the Honourable Member over there, on behalf of Government, accepted certain modifications in regard to long cloth and shirting and imposed a differential duty on British goods I originally stated that the reason why the Government of India accepted Mr Chetty's amendment was very simple As the Honourable the Leader of the Nationalist Party has stated, the proposal was originally set forth by the Government of India before the Secretary of State, and they made Mr Chetty agree to the bringing forward of an amendment of this nature Now, the reason why this amendment is brought forward is very simple As I said, Lancashire does not mind losing the trade in long cloth and shirting, which is only 77 million yards or less today, so long as they get this Imperial Preference in regard to other goods which, as the Honourable the Leader of the Independent Party said, amount to 1,400 million yards, but in reality a little more If that is the position, then they get preference in regard to coloured goods, and also in regard to white bleached goods, and they get preference in regard to dhotis They are therefore quite prepared to sacrifice the trade in long cloth and shirting The position as put forward by the Government is this We are doing this in order to safeguard the interests of the consumer May I ask how the Government can reconcile that position when the actual effect of their measure will be to cut out competition from Japan and from other countries? I want to ask a simple question of the Honourable Member Take the case of white bleached goods Is it or is it not a fact that the white bleached goods imported from United Kingdom are about 525 million yards, whereas the white bleached goods imported from Japan are only 5 million yards? Therefore, there is every danger for Lancashire that the trade from Japan will so increase, as it has increased in other commodities, as to endanger that trade between Lancashire and India If there is free competition on an equal basis, the Honourable Member knows perfectly well that the consumer's interests will be safeguarded, because, with free competition between Japan and Lancashire, the prices will be kept down Now, I ask, by penalising Japan as against Lancashire, in this particular brand of goods is the Honourable Member safeguarding the interests of the consumer? Let me take the case of long cloth and shirtings

Dr. L. K. Hyder (Agra Division Muhammadan Rural) Explain the competition

Diwan Chaman Lall: My Honourable friend says: "Explain the competition". If he will only read the statement issued by Sir George Rainy, he will find the explanation on pages 2 and 3 where Sir George Rainy has stated definitely that this trade has been captured from Lancashire partly by Japan and mainly by India It is this steady advance of Japan in capturing trade in these various classes of goods that has created the fear in the mind of the manufacturers in Lancashire, and that is the basis of this measure of Imperial Preference It will not do to encourage Japan. That statement is very clear and shows that, during the last few years, Japan and India have marched ahead at the expense of Lancashire and that, if this burden of extra 5 per cent is placed against Japan in the matter of white bleached goods, she will not be able to march ahead at the expense of Lancashire That is the basis for this discrimination and no other Let me take the case of long cloth and of shirtings and of coloured goods In the matter of coloured goods, it is obvious the competitive figures are only 50 million yards from the United Kingdom and 86 million yards from Japan Now, I want to ask if the figure of Japan is 86 million yards per year and the figure of the United Kingdom is 50 million yards per year, how is the Honourable Member, by putting on an extra duty of 5 per cent against Japan, safeguarding the interests of the consumers in this country? I would like to have a reply to that question. I would like to know how the Honourable Member is safeguarding the interests of the users of this 86 million yards of coloured goods I would like to have a reply from the Government If there is competition between Japan and Lancashire in the matter of coloured goods, and if Indian consumers are using coloured goods, then by penalising Japan, you are cutting out one source of supply and you are giving a virtual monopoly to Lancashire, but how is the Honourable Member going to safeguard the interests of this country? May I know how he is going to safeguard the interests of the average consumer?

In regard to other class of goods, let me take the case of dhotis. Japan is sending in 30 million yards of dhotis, which are competitive, and 5 million yards of dhotis which are not competitive, and according to the figures supplied by the Honourable Member, Lancashire is sending in 88 million yards of competitive dhotis I showed, on a previous occasion, that they have taken the figures on a different basis As a matter of fact the Japanese competitive figures in dhotis are not 30 million yards They are not even one single yard But taking the Honourable Member's figures to be correct, namely, that Japanese competitive imports are 30 million yards and the Lancashire competitive figure is 88 million yards, I want to ask the Honourable Member in what particular manner, by penalising Japan and stopping competition in the matter of dhotis, the Government are going to safeguard the interests of the consumer Does the Honourable Member give us a guarantee that, because of the advantage that Lancashire will get of 5 per cent against Japan and other countries in the world, he will keep the prices down for the consumer? No such guarantee has been given and can ever be given by this Government or any other Government Sir, that is the position in regard to dhotis The same is the case in regard to long cloth and shirtings. By adopting this method, the Government are going to penalise not only one country but

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all other countries as against Lancashire by shutting out competition from all these countries, with the result that the interests of the consumer will suffer If it is looked at from that point of view, there is not the slightest doubt that the Honourable Member is not right when he says that the measure that he is bringing forward before this House is designed in the interests of the consumers of this country It is not so designed. What it is designed for is to give assistance to Lancashire The other day when the Honourable the Leader of the Nationalist Party raised this matter, he asked the Government to place on the table those documents that had passed between the Government of India and the Secretary of State for India, but he was told that these documents could not be placed on the table of this House. They could not be made public Then the Government were asked by the Honourable the Leader of the Nationalist Party "At whose suggestion did you bring in this policy of Imperial Preference?" And the reply, as far as I could understand it and as far as this side of the House could understand it, was that it was at their own suggestion Two days ago, the newspapers reported a speech in the House of Commons delivered by Mr Graham, the President of the Board of Trade, in which he made the significant remark, that, as a result of the representations made by them to the Government of India, the question of Imperial Preference was incorporated and placed before the House.

The Honourable Sir George Rainy: I think it is only fair that I should intervene at this stage I would draw the Honourable Member's attention to the very definite reply given by the Secretary of State in the House of Commons that no suggestion came from the British Cabinet for the adoption of a scheme of British Preference

Diwan Chaman Lall: May I conclude, therefore, Sir, that the British Cabinet is speaking with two voices—one the voice of Mr Wedgwood Benn and the other the voice of the President of the Board of Trade?

The Honourable Sir George Rainy: The Honourable Member does not seem to be acquainted with what must have been in Mr Graham's mind He was obviously referring to the telegrams which were exchanged and which have been laid on the table of this House and which were also laid on the table of the House of Commons The result of that representation was, the Government Bill took the shape that it has taken

Diwan Chaman Lall: That is exactly my point. It is as the result of the representation sent down by the British Cabinet that the Bill has taken the shape that it has

The Honourable Sir George Rainy: That is a very different thing from suggesting that any suggestion came from the British Cabinet that it should take this form

Diwan Chaman Lall: The Government of India are adepts and experts at diplomatic replies

An Honourable Member: Camouflage

Diwan Chaman Lall: I make this charge against the Government, that they have not proved that their statement is correct, and the only manner in which they can refute the charge levelled by this side of the House, is by placing all the documents in their possession on the table of the

House Let the House judge, let the country judge There is a definite statement by the President of the Board of Trade to this effect, that, as a result of the representations made by them, this has been done, and that it would not be fair to ask the Government of India to do anything more That statement has appeared in the Press It is a Reuter's telegram which the Honourable Member must have read Whether the President of the Board of Trade is speaking with knowledge or not, it is not for me to say, it is not for this House to say We do not possess the information The information is in the secret archives of the Government of India Let them lay bare these secret files Let us know what exactly is the position Why this unseemly hurry to introduce this principle of Imperial Preference into this Bill against the united voice, I say deliberately, almost the united voice of the country? Why have they done so? Why are they flouting public opinion, why are they flouting the opinion of this House in regard to this matter? Seeing the dependent condition in which the people are, and taking advantage of the strength that they possess, the Government have come forward and say:

'We will not listen to any representations made by this House, we will not listen to any arguments placed before us on the floor of this House We are not amenable to any suggestion or any persuasion from the other side of the House We are determined that this principle should be adopted"

This is what the Government say, and as my Honourable friend Mr Kelkar said the other day, they do not call it Imperial Preference, but only a particular course of action adopted at a critical juncture Now, Sir, I want to ask the Honourable Member this question, and I asked him that question in my original speech also, but the Honourable Member was very discreet in his silence I refer to the Anglo-Japanese trade convention of 1905 If the principle of Imperial Preference has been imported into this Bill, I ask the Honourable Member to tell me whether a treaty entered into between the Government of India—by His Majesty's Government on behalf of the Government of India—and the Japanese Government is to be considered a scrap of paper, I want to ask him whether he is going to make this House a party to considering that particular trade convention a scrap of paper

The Honourable Sir George Rainy: As regards the convention to which the Honourable Member refers, the same statement applies to all the commercial treaties and agreements to which India is a party Not one of them contains a clause debarring India from giving preference to other countries which are part of the British Empire

Diwan Chaman Lall: The reading of that convention is conveyed in a letter which was addressed by the Government of India to the millowners of Bombay in 1926 In that letter there was not a suggestion of the kind which the Honourable Member is making now The terms used in that convention are these

"Any article, the produce or manufacture of the Dominions and Possessions of His Majesty the Emperor of Japan shall enjoy upon importation into India" (*not the Dominions and Possessions of His Majesty the King Emperor, mark you*) "the lowest customs duties applicable to similar products of any other foreign origin"

The Honourable Sir George Rainy: Quite so No goods coming from parts of the British Empire are goods of foreign origin (Hear, hear.)

Diwan Chaman Lall: I should like to know, Sir, if in his interpretation of this trade agreement, the Honourable Sir George Rainy has taken legal opinion.

The Honourable Sir George Rainy: That, Sir, has been the uniform interpretation placed upon it by His Majesty's Government and by the Government of India ever since 1905

Diwan Chaman Lall: That interpretation is wrong and unjustified If that has been the uniform interpretation placed upon it, that goods coming from Lancashire, as far as India is concerned, are not goods of foreign origin, let me remind the Honourable Member what happened to that interpretation in 1926 Did they ever place this interpretation upon this agreement in 1926? (Hear, hear) No They did not want to give protection to the millowners of Bombay in 1927 Because they did not want to give protection, they trotted out with great vigour, with great force this argument of the Trade Convention of 1905, that they could not possibly treat Japan on a differential basis because that would have meant the denunciation of the trade agreement of 1905 (Hear, hear) In the course of the letter which the Government of India issued to the Secretary of the Bombay Millowners' Association, dated Delhi, 26th March, 1926, this is what they say:

"The case as stated above raises issues of grave importance,"

—I want Honourable Members to mark these words "grave importance"—

"for the proposals which have been submitted for the consideration of the Government of India contemplate the imposition of differential duties on yarns and piece-goods imported from Japan If, therefore, they were subjected to this, they would involve the denunciation by the Government of India of the Trade Convention with Japan of 1905" (Applause)

The Honourable Sir George Rainy: May I point out Sir, that what is contemplated in that letter is differential duties on Japanese goods as distinguished from goods from all other countries That would be entirely contrary to the Convention

Diwan Chaman Lall: What is contemplated is goods coming from Japan only It therefore comes to this, that this particular Bill makes a difference between goods of British origin and goods from all other origins and therefore this Trade Convention is not violated Is that the position?

The Honourable Sir George Rainy: Yes, Sir

Diwan Chaman Lall: If that is the position, I want to say that this is clearly not borne out by the interpretation put upon Article I which I have read out to the House There goods of British origin are not mentioned There the goods that are mentioned are goods trading between Japan and India Japanese goods *versus* all goods of foreign origin, which must include British goods

The Honourable Sir George Rainy The Honourable Member will remember that treaties are made in the name of His Majesty the King-Emperor and clearly no part of His Dominions could, in such a treaty, be described as a foreign country

Diwan Chaman Lall: The question is not whether the countries within the British Empire should be described as foreign countries. The question is *goods* of "foreign origin" (Hear, hear) The Honourable the Commerce Member surely knows the distinction. The distinction is not whether Canada is a foreign country, as far as India is concerned, both being parts of the British Empire The point is whether Canadian goods

coming into India are to be treated as goods of foreign origin, and if they are goods of foreign origin, then Article I operates (Applause) I want to know whether the Honourable Member has taken the necessary steps that are contemplated in the letter of 1926 which I have just read out His he taken the necessary steps to denounce that Trade Convention of 1905?

Raja Ghazanfar Ali Khan (North Punjab Muhammadan) Does not my Honourable friend think that Japan is more competent to defend her treaty rights than my Honourable friend is?

Diwan Chaman Lall: My Honourable friend is asking whether Japan is not more competent to fight for her treaty rights than we. My Honourable friend is exceedingly obtuse He could not have any sense of honour if he says that it is not a point of honour involved in this so far as India is concerned I say the honour of every man is involved in this question (Hear, hear) If he thinks that the Government of India can go and make a treaty over our heads, without even consulting us, without even telling the House, and can then with impunity break that treaty then my Honourable friend should know that his sense of justice and honour must be exceedingly obtuse if he is willing to permit the Government to treat this Trade Convention as a scrap of paper I do not care for Japan I am not concerned with Japan I am concerned with the action of my own country I would be the first to get up and support a measure placed before this House by the Honourable Member over there, prohibiting any Japanese from coming into this country and setting up mills as the Japanese are doing now I would be the first to support that I do not want the resources, the raw materials and the labour of this country to be utilised for the benefit of any foreign nation Let me remind Mr Ghazanfar Ali that just as Japan can look after herself so also can Lancashire without the assistance of his vote cast for Lancashire and against his own country I am against this proposition of the Honourable Member of giving a preferential duty in this Bill, placing a burden upon goods which are of non-British origin, for the simple reason that there is no justification either from the technical point of view or from the point of view of the consumer, nor any justification from the moral point of view for the Honourable Member to do what he is seeking to do namely, to give an advantage to Lancashire in order that competition should be killed and that a heavy burden should be laid upon the shoulders of the consumer and the future of the industries in this country, so that when the time comes for these industries to be nationalised the future should be a dark one and that we should be all at the mercy, at the beck and call of Lancashire, merely because the Honourable Member over there has the power, the will and the strength to carry any measure of this nature that he pleases through this House, constituted as it is at present Sir, I emphatically protest against the policy of the Government in not even consulting this side of the House, not even consulting the country, not even waiting to ask the verdict of the country on a measure of such vast importance as this indeed is I say deliberately that, not only the interests of the consumer, not only the interests of the public, not only the interests of the industry, but the honour of India is involved, and I want to warn all Honourable Members that, before they vote for this Bill, they should think twice before they cast their votes in favour of an unjust measure of this nature (Applause)

Sir Darcy Lindsay (Bengal European) Sir, I should like to state that views of my Group are very much in accord with those expressed by Honourable friend Mr Jinnah (Laughter) We cannot

Pandit Hirday Nath Kunzru (Agra Division Non-Muhammadan ral) Will my Honourable friend allow me to put a question to him? Honourable friend Mr Jinnah said that, while he was against this endment, he wanted to propose an amendment of his own Does my nourable friend know the terms of that amendment which Mr Jinnah not yet communicated to this House?

Sir Darcy Lindsay When my Honourable friend Mr Jinnah moves t amendment, which I do not see tabled, I may have an opportunity further expressing my views thereon What I am now supporting are views of Mr Jinnah in connection with my Honourable friend Pandit laviya's amendment My reasons are that I cannot comprehend in it way my Honourable friend Pandit Malavi a's amendment is going lelp the national industry

Mr. B. Das (Orissa Division Non-Muhammadan) Or help Lanca-e!

Sir Darcy Lindsay: Never mind about helping Lancashire I want know in what way it is going to help the national industry, that is the point that this House has to consider We are rmed by the spokesmen of the industry that, with a 15 per t protection, they will not be able to improve their position the manufacture of medium class goods that they fear will be ely imported from Japan They are perfectly satisfied that, with a tective duty of 15 per cent, they will be able to compete against ieashire, but with 15 per cent they will not be in a position to hold r own against Japan That is the position, so far as I see it, and it is enable the Indian mills to place themselves in a position to manu-ure, in the first instance, medium class goods—and I hope later on classes of goods—that they ask for this additional 5 per cent I am ectly well aware that, in the first instance, they asked for a protec-n of 20 per cent all round, but when it was shown that this 20 per t all round would not necessarily benefit themselves so far as goods e concerned, that they were not in a position to manufacture, and that would impose a very heavy burden on the country as a whole, they ded from that position and now readily accepted what Government e proposed, that is, a protection of 20 per cent against Japan on all ds, and against Lancashire, 15 per cent, with the protective duty of extra 5 per cent or 3¾ annas per pound on the small quantity of grey ds that now come in with which they have to compete

Now, Sir, my Honourable friend, Pandit Malaviya, made a very strong nt against the Honourable the Commerce Member that he did not reply a statement made by my Honourable friend Mr Birla that this Bill was ng to place in the pockets of Lancashire trade no less a sum than 2½ res of rupees Just how this Bill is going to place that large sum money in the pockets of the Lancashire trade, I am at a loss to under-nd, and I am quite sure my Honourable friend, Mr Birla, does not lly believe that his statement was an accurate one of what was likely happen

Mr. Ghanshyam Das Birla (Benares and Gorakhpur Divisions Non-Muhammadan Rural) May I know what is your estimate, Sir Darcy?

Sir Darcy Lindsay: My estimate is that it will place nothing in the pockets of Lancashire My estimate is that these goods will come into the country at 15 per cent and be sold to the consumer at competitive rates If my Honourable friend wishes to assume that, because there is this protection against Japan of 5 per cent, the Lancashire manufacturers will be able to charge their customers 5 per cent more for their goods, I am not at all with him

Mr. Ghanshyam Das Birla: Has my Honourable friend read the majority Report of the Fiscal Commission and does he know what they say in the matter?

Sir Darcy Lindsay: I ask my Honourable friend whether it is not common sense Does he not know that the trade will be sufficiently hard-hit with having to increase their prices by the 4 per cent increase to 15 per cent in the revenue duty?

Mr. Ghanshyam Das Birla: It is just because we have got common sense that we are fighting, and it is also because you have got common sense that you are fighting in your own interests, that is the interests of Lancashire

Sir Darcy Lindsay: I am not fighting in my own interests I am fighting in the interests of India

Mr. Ghanshyam Das Birla: Will the Honourable Member explain to me

Sir Darcy Lindsay: I have been interrupted sufficiently Sir, I most emphatically protest against this statement of my Honourable friend, Mr Birla, and I hope that Sir George Rainy, when his turn comes, will make it perfectly clear

My Honourable friend, Diwan Chaman Lall, had a good deal to say about the concealment of telegrams, and he was quite sure, in his own mind, that there was some sinister motive on the part of Lancashire and the Government at Home in enforcing this measure upon the Indian Government We have had assurances and ample assurances, from Sir George Rainy that that was not the case I am sure that my Honourable friend, Sir George Rainy, would be perfectly ready to take Diwan Chaman Lall or Pandit Malaviya into his room and show them certain papers, but he is not in a position to place those papers before the House as they contain many other matters.

Mr. T. Prakasam (East Godavari and West Godavari *cum* Kistna Non-Muhammadan Rural) May I know if my Honourable friend has seen them?

Sir Darcy Lindsay: No, I have not seen them

Mr. M. S. Aney: How does the Honourable Member know that they contain many other matters?

Sir Darcy Lindsay: I think it is only common supposition that they do If my Honourable friend knows that they do not, he is entitled to speak

Now, Sir, if it came to a question whether we should vote for Munshi Iswar Saran's 20 per cent all round or Pandit Malaviya's amendment, and India could not do without this protection, I might even be inclined to vote with my Honourable friend Munshi Iswar Saran I say that honestly I am out to protect the Indian Mills, (Hear, hear) give them all the help I can and I am absolutely convinced that on Panditji's proposal the Indian mills will not get that protection It is on those lines, Sir, that I strongly oppose his amendment

Now, Sir, there was a small personal matter that I would like, with your permission, to refer to My Honourable friend, Mr Neogy, the other day stated that thumbs were cut in Bengal by the ancestors of Sir Darcy Lindsay I was always under the impression that we came from a common ancestry and if my ancestors cut thumbs in Bengal, equally so did my Honourable friend Mr Neogy's ancestors But I will bring it home a little more closely to Mr Neogy I have here, Sir, an extract from a newspaper, the *Pioneer*, of June, 1922, which deals with the subject It gives particulars of an extract from a book written by Romesh Dutt, "The Economic History of British India"

"Dealing with the state of Bengal after the Battle of Plassey, Mr Dutt says

> 'While the inland trade of Bengal was thus disorganised by the Company's servants and their agents in every important district, the methods by which they secured the manufacturers to themselves were equally oppressive These are fully described by William Bolts, an English merchant, who saw things with his own eyes'

Here follows a statement by William Bolts to the effect that weavers were compelled to weave cloth for the servants of the Company and their agents at oppressively low prices which concludes

> 'And the winders of raw silk, called Nagodas, have been treated with such injustice, that instances have been known of them cutting off their thumbs to prevent their being forced to wind silk'"

I therefore venture to suggest to my Honourable friend that it was possible his nearer ancestors than mine did cut off thumbs

Mr. K. C. Neogy (Dacca Division Non-Muhammadan Rural) What a compliment to your ancestors!

Sir Darcy Lindsay: Now I do not wish to detain the House any longer But again I wish to state definitely that we are in support of this measure because we think it is for the real good of the mill industry in India and the people of India who, I hope, in a very few years time, will be able to receive from their national mills supplies of goods at a lower rate than is now being given to them It is a matter of vital importance to India that we are today considering, and I do earnestly beseech the House to give it their gravest consideration and support the Bill as amended by Mr Shanmukham Chetty

The Assembly then adjourned for Lunch till a Quarter Past Two of the Clock

The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock, Mr President in the Chair

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The Honourable Sir Bhupendra Nath Mitra (Leader of the House): Sir, in the statement which you made in this House this morning, you made the suggestion that the Government of India should, even at this stage, reconsider their position in regard to the statement made by my Honourable colleague, Sir George Rainy, when he moved for the consideration of this Bill Before my Honourable colleague made that statement, the position had been very carefully considered by the Government of India, who had given considerable thought and examination to the various amendments to which my Honourable colleague referred in the course of that speech As a result of that careful consideration, the Government of India decided to accept one of the amendments, namely, that put forward by my Honourable friend, Mr Shanmukham Chetty That itself shows, Sir, that they had a very open mind while they were examining the various amendments which had been placed before them in the course of certain informal discussions Having come to that decision, I think it was only fair to this House that Government should make its position clear to the House and my Honourable colleague, who is well-known for his frankness and honesty of purpose, did not hesitate for a moment to place the House in full possession of the attitude of the Government of India The Government of India see no reason to depart from the attitude which they have adopted in the matter, after the fullest consideration of the merits of the various amendments which were placed before them, and it is with the greatest regret therefore that I am unable to inform the House that the Government of India can in any way recede from that position

Mr. President: Is there any Honourable Member who wishes to speak?

(Both the Honourable Sir George Rainy and Pandit Hirday Nath Kunzru rose in their places)

Mr. President: Pandit Hirday Nath Kunzru

Pandit Hirday Nath Kunzru: Perhaps, Sir, the Honourable the Commerce Member, wants to put a question If my Honourable friend wishes to put a question, I am prepared to give way to him

The Honourable Sir George Rainy: No, Sir, I did not hear you when you called upon the Honourable Member That was my difficulty

Pandit Hirday Nath Kunzru: Sir, the speech of my Honourable friend, Mr Jinnah, came as a surprise to me this morning He told us, however, that there was still a ray of hope inasmuch as he proposed to move an amendment of his own After the speech which he delivered at an earlier stage, I was at a loss to understand what that amendment could be But now the reply given by my Honourable friend, Sir Bhupendra Nath Mitra, the Leader of the House, must have made it plain to everybody that Government are determined to stick to the decision which they announced to the House when this Bill first came before it I think I heard my Honourable friend, Mr Jinnah, say that he would move his proposition

[Pandit Hirday Nath Kunzru]

only in case Government gave an undertaking that they would not drop this Bill if an amendment which was not wholly acceptable to them was carried I take it, therefore, that he is not prepared to put any new proposal before the House at this stage

Mr. M. A. Jinnah: I think, Sir, I have made my position in this House clear more than once We have said that we are not satisfied with the Bill as it is presented to us, including the acceptance of Mr Chetty's amendment But if you would ask me what I would like, that is a different matter altogether Therefore, we are not supporting the Bill, but we shall be obliged to prevent this Bill being wrecked If the Honourable Member wants to know what the amendment was that I wanted to move, I will inform him privately Even if he wants to know on the floor of the House, I am quite prepared to tell him

Pandit Hirday Nath Kunzru: Sir, I am not actuated by any idle curiosity My Honourable friend's proposal roused a great deal of interest in the House because we hoped that it might lead to some practical results Since he is not going to move it, its exact terms are not a matter of any consequence whatsoever I should be sorry Sir, to misrepresent the position of my Honourable friend, Mr Jinnah I know what he said when this Bill first came before the House It is perfectly true that he stated then that he was not in favour of the Bill, as placed before this House by the Government He was not particularly enamoured of the proposal of Imperial Preference, but in the circumstances in which the House stood, he thought he had only two alternatives before him, either to accept whatever was given by Government—and it was in that connection that he used the phrase, " Beggars cannot be choosers "—or to go without it altogether

Mr. M. A. Jinnah: I used the phrase, " Beggars cannot be choosers " in answer to an interruption " Do you justify that interpretation of the convention?" was the question put to me by my friend Mr Prakasam I said, " There is the convention Beggars cannot be choosers "

Pandit Hirday Nath Kunzru: I am prepared to accept the explanation given by my Honourable friend, but the position remains just as it was From his own practical point of view he says to us, " We have to accept this Bill because we are in the position of beggars before Government, and beggars cannot be choosers "

Mr. M. A. Jinnah: I didn't say that

Pandit Hirday Nath Kunzru: It comes practically to the same thing, although my Honourable friend does not expressly say that I say, Sir, that, in view of the very disappointing announcement made to us by my Honourable friend, Sir Bhupendra Nath Mitra, Pandit Madan Mohan Malaviya's amendment holds the field But before I discuss that amendment, I should just like to say a word with regard to what has fallen from Sir Bhupendra Nath Mitra

Sir, in order that the fiscal autonomy convention may be a reality, it is necessary that this House should be given an opportunity of expressing its opinion and that the Government should be prepared to be

way of the convention becoming a reality is that Honourable Members opposite have to consult the Secretary of State before they place their proposals before the House Now, Honourable Members opposite have been at great pains to explain to us what the procedure followed by Government on these occasions usually is They have told us

Mr. President: The Treasury Benches are not usually addressed as the Honourable Members opposite

Pandit Hirday Nath Kunzru. I am talking, Sir, to the Honourable Members occupying the Front Bench opposite The Secretary of State has to be consulted previously with regard to any proposals that might be placed before this House Now our friends the Members on the Treasury Benches have told us that the Secretary of State desired to place no limitation whatsoever on them with regard to any proposals that might commend themselves to their judgment But when correspondence was going on between them and the Secretary of State and they expressed the opinion that they could not accept any proposal extending the protective duty to British goods, I take it that they had the approval of the Secretary of State for the attitude they took up To that extent, then, they are bound by the negotiations that proceeded between them and the Secretary of State I think my Honourable friend Sir George Rainy, informed the House that at no stage could there be what we might term a constitutional vacuum The Government of India would be subject either to the control of this House or to the control of the Secretary of State at every stage If there was agreement between this House and the Government of India, the Secretary of State would not interfere In case

The Honourable Sir George Rainy: I want to make a very small correction, Sir At the stage when the Government of India were first formulating their proposals, I said that at that stage the decision entirely lay with them

Pandit Hirday Nath Kunzru: I am speaking entirely of that stage, because it was at that stage that the Government of India informed the Secretary of State that they themselves were not prepared to accept any proposal made by the Legislature with the object of imposing a 5 per cent protective duty on British goods in common with goods coming from other countries than the United Kingdom The moment, Sir, they expressed that opinion, and the Secretary of State approved of it they passed under the control of the Secretary of State It becomes obvious then that such proposals as have been placed before this House by Government have virtually received the approval of His Majesty's Government, and that the Government of India cannot now depart from them without obtaining their approval If this version is correct, Sir,—and I do not see how it can be seriously challenged—I do submit that the fiscal convention is far from being a reality His Majesty's Government, when allowing the Government of India to place their proposals before this House, ought, I think, if they desired the fiscal convention to be regarded as a reality, to have told them that they would await any expression of opinion by the Indian Legislature But if, without waiting for it, they approved of the attitude of the Government of India, they undertook responsibility for the proposals of the Government, and the scheme, that has been placed before us, is therefore the result of mutual

[Pandit Hirday Nath Kunzru]

consultation between the Government of India and His Majesty's G ernment I submit, Sir, once more, in view of these facts that the vention has ceased to be a reality and that in effect, if not in so in words, the occupants of the Treasury Benches have told us that t cannot depart from the attitude which they took up in the begin because it has been approved of by the Secretary of State and becaus cannot be changed without his approval

Sir, in these circumstances it is a futile task to place any argum before Honourable Members opposite, but as a great Englishman observed, there is a certain vanity in all of us which makes us think t although we cannot outvote our opponents we can still out-argue then

Sir, it is a matter within the knowledge of the House—it has b repeatedly stated during the last four or five days—that the propo actually placed before us by Government are neither those which asked for by the millowners, nor those which commended themselves their judgment in the beginning Now, my friend Sir George Schus in the speech which he delivered on a previous occasion in connection this Bill, has laid bare before us the workings of the minds of the G ernment of India He said that the proposals which the Governn made to the Secretary of State, namely, a 15 per cent revenue duty a minimum protective duty of a 3½ annas per pound on plain grey g did not amount to a closing of the subject on their part He said it not a final decision arrived at by the Government of India I thin will be pertinent, Sir, to place before the House the exact words by the Honourable Member on the 13th of March He said

"I do not want to dispute the correctness of what the Honourable Pandit for it is true in a sense to say that our original proposal did include a proposal 3½ annas a pound minimum duty on all plain grey goods, but to say that alone is to tell the whole of the story Let me try to make clear what I mean Wher were in the early stages of considering what special protective measures we sh introduce,—and I am now trying to inform the House exactly what has passed thr our minds—we did very definitely consider something on the lines of the proj which we are now putting forward, because when we came to examine the pos in a practical way and to consider how we could effect the discrimination which were seeking for, we found that, in actual fact, a distinction between British goods non British goods did fit in very nearly with the needs of the situation Now,—a trying to be perfectly frank with the House—I will say that, in our prelimi discussions on this matter, we, I may say, rather 'shied off' this proposal, not bec we did not think it was the right thing, but because we were influenced just thei the very considerations which the Honourable Pandit has mentioned in his speech felt that, at the present stage, it might be liable to political misunderstanding"

Now, Sir, in view of these statements, the dispute between us and Honourable Members opposite becomes a purely verbal one Whe the proposals submitted in the first instance by the Government of I to the Secretary of State were those that they approved of wholly partially does not matter in the least degree All that I ask the H to consider is that, at some stage or other, and for some reasons or ot the Government of India came to the conclusion that a revenue dut 15 per cent and an additional protective duty of 3½ annas per pound plain grey goods would meet the needs of the situation And what the proposal of my Honourable friend, Pandit Madan Mohan Malav come to Both Pandit Madan Mohan Malaviya and Mr Birla have the House that, although the language of Pandit Madan Mohan Malavi

amendment might be different from that of the first part of Mr Chetty's amendment, yet the two mean the same thing inasmuch as a duty of 3½ annas per pound on goods not made of coarse counts would not amount to more than a 15 per cent *ad valorem* duty In fact Pandit Malaviya's amendment will give more to millowners than Government's first proposal as it protects dhotis and coloured goods made from coarse counts, in addition to plain grey goods Why is it then, Sir, that the Government of India are adopting this attitude of obstinacy? This is something which requires explanation

I might leave the matter here, but I should like the House to consider some figures to understand why, as I conceive, the Government of India came to the conclusion that the proposal originally submitted by them to the Secretary of State would meet the needs of the situation, whether permanently or temporarily I shall, Sir, refer to the note which has been circulated to Honourable Members by the Honourable Sir George Rainy There are three categories of goods which we are concerned with

Now, the first is long-cloth and shirtings The figures contained in Sir George Rainy's note show that the Japanese imports are increasing fast In 1928-29 the imports from the United Kingdom amounted to 48 million yards, and those from Japan to 191 million yards, and the Indian production was 564 million yards Now, let us compare with these figures those relating to the first six months of the year 1929, that is, April to September The imports in the first six months from England amounted to 12 million yards, those from Japan to 149 million yards and the Indian production to 314 million yards If the latter part of the year 1929 fulfilled the promise of the first half, the Japanese imports must have amounted to about 300 million yards in 1929, as compared with 191 million yards in 1928-29 There is therefore here a clear case for imposing a duty on this kind of goods

Let us now proceed to another class of goods classified as dhotis Now, here the imports from the United Kingdom in 1928-29 amounted to 454 million yards, and those from Japan to 35 million yards, while the Indian production amounted to about 564 million yards In the first six months of 1929, the imports from the United Kingdom were 205 million yards, those from Japan were 24 million yards and those from India 342 million yards Now, the imports from the United Kingdom showed a fall and those from Japan some increase, but at the same time there was no drop in the production of goods in India I should like the House in this connection also to note a remark made by Mr Hardy in his Report on this subject Referring to the figures which I have placed before the House, he said "It is clear that the import trade is making no headway against local production, and that only the strikes of 1928, which caused a drop of 82 million yards in the figures for Bombay Island, have checked this steady advance The restriction on forward purchases for the Calcutta market in 1928-29 seriously affected the Lancashire trade, and the figures for the first half of the current year suggest that Japan is going ahead at the expense of Lancashire" It is clear then that, so far as the trade in dhotis is concerned, it was more the Lancashire trade that was affected by Japanese competition than the Indian production.

[Pandit Hirday Nath Kunzru]

Now, I turn to the third class of goods, known as coloured goods Here again I will first give to the House the figures for 1928-29 The imports from the United Kingdom amounted to 335 million yards and those from Japan to 110 million yards, and the Indian production amounted to 487 million yards Now, let us compare these with the figures for the first six months of 1929 The imports from the United Kingdom have fallen to 48 million yards The imports from Japan which were 110 million yards in 1928-29 were 78 million yards in the first six months of 1929. If the progress continued at the same rate, throughout the year then in the year 1929, the Japanese imports must have amounted to 156 million yards, and the Indian production which was 487 million yards in 1928-29 came to 257 million yards in the first six months of 1929 Here again it is obvious that the competition is more with the United Kingdom goods than with Indian goods, but fairness requires that I should on this subject, also quote the remarks of Mr Hardy in his Report He tells us that both India and England are affected by Japanese imports of coloured goods He thinks that the competition is keenest in regard to two descriptions of goods which he specifies as drills and jeans and stripped *saris* and *susis* This is what he says with regard to the first description of goods, namely, drills and jeans, after pointing out that the Japanese goods come into competition with Indian goods

"Their first appearance in the printed drill trade was in 1926 27, and such has been their success that imports of printed drills from the United Kingdom fell from 20 million yards in 1927 28 to 11 in 1928 29 and 3 in the first half of 1929 30"

With regard to the second class of goods mentioned by me, he says

"The coarser printed shirtings are sufficiently new to the Indian"

Mr. President: Whom is the Honourable Member going to convince by these arguments?

Pandit Hirday Nath Kunzru: I wish to place these figures before the House

Mr. President: What is the good?

Pandit Hirday Nath Kunzru: The good is this, Sir, that I want to make it clear to the House that the Government of India themselves, on the basis of the figures before them, thought that the first proposal made by them to the Secretary of State would satisfy the immediate needs That is my point I mention this particularly because my Honourable friend, Mr Jinnah, said that Pandit Madan Mohan Malaviya's amendment would not give adequate protection to the Indian industry

Mr. M. A. Jinnah: I still maintain that position

Pandit Hirday Nath Kunzru: Sir, I cannot change his opinion . . .

Mr. M. A. Jinnah: And I go further and say that, because the Government at one time made that proposal, it does not prevent me from saying that the Government also were perfectly wrong

Pandit Hirday Nath Kunzru: Sir, the Honourable Members opposite and my Honourable friend, Mr Jinnah, are working together

Mr. M. A. Jinnah: I think, Sir, it is very improper on the part of the Honourable Member to make that statement. I do not think he has understood what I have said

Pandit Hirday Nath Kunzru: I have understood every word of what my Honourable friend, Mr Jinnah, said

Mr. M. A. Jinnah: Then what is the insinuation you make?

Pandit Hirday Nath Kunzru: There is no insinuation, it is a plain statement of fact I have not impugned my Honourable friend's political morality, but he cannot browbeat me into silence and prevent me from expressing my own opinions on this subject

Mr. T. Prakasam: It is only fair that the Honourable Mr Jinnah should be given the opportunity to say exactly what he has to say in the matter He was telling us, Sir, that he would go further

Mr. President: Is that a point of order?

Mr. M. A. Jinnah: I think the Honourable Member has not quite understood me I say I am not satisfied with the Government proposal nor am I satisfied with the proposal of Pandit Madan Mohan Malaviya I want to go further

Pandit Hirday Nath Kunzru: Sir, in spite of the temper shown by my Honourable friend, I will not be led into making any statement against his general political conduct I did not mean to suggest that he had previously entered into a pact with the Government to support this proposal All that I am concerned with is that, on the present occasion, he is supporting the Government proposals And if I can show to him what was the basis on which the original proposals of the Government were founded, I hope that my Honourable friend, as a reasonable man, will change his opinion and see his way to supporting Pandit Madan Mohan Malaviya's amendment In view of this, perhaps you will allow me to complete the sentence that I was quoting from Mr Hardy's Report

With regard to the second class of goods that I mentioned earlier, Mr Hardy said in his Report

"The coarser printed shirtings are sufficiently new to the Indian market not to have effected the local output seriously yet, but they are evidently being successful and constitute a definite danger"

He dealt, I suppose, more with the future when he wrote this sentence than with the immediate present The Government were influenced by political considerations, and thought more of the immediate present than of the future, and in those circumstances made that proposal which has been repeatedly discussed in this House I think I may fairly claim from the figures that I have placed before the House, that the Government thought that the plain grey goods made from coarser counts needed immediate protection As regards other goods, they thought that the danger was not so great, that the Japanese goods came into competition with the British goods also, and that therefore they should put forward no proposal which would leave them open to the charge that it was made ostensibly in the interests of India, but really to give protection to Lancashire as against Japan Now, Sir, if this is their position, or if this was their position, as shown by the figures contained in Sir George Rainy's speech, I should like to know what objection they have to accepting the amendment proposed by Pandit Madan Mohan Malaviya My Honourable friend, Mr Birla, stated to the House some days ago that, in his opinion even the protection proposed by Government would not suffice

Mr. President: I am somewhat surprised that the Honourable Member is still labouring to convince Government.

Pandit Hirday Nath Kunzru: Sir, I am not so great a simpleton as to imagine that any words used by me can change the resolution of Government But I do still hope that there may be some Honourable Members amongst ourselves who may believe, in view of the facts that are being placed before them, that if we accept the amendment of Pandit Madan Mohan Malaviya, the mill industry would not be placed in any serious danger The mill industry would require more protection in any case, whether Pandit Madan Mohan Malaviya's amendment is accepted or that of Government If that is so, why not accept this proposal and leave us free, a year hence, when the constitutional changes that my Honourable friend Sir George Schuster referred to in his budget speech had come about, to deal with the situation as we ourselves thought best Sir, I will labour this point no more I will only say, before passing to any other point, that this is a matter which requires a serious reply from Government The figures that I have placed before them are those taken by them from Mr Hardy's Report and circulated to Honourable Members

Sir, my Honourable friends Sir George Schuster and Sir George Rainy laid great stress on the interests of the consumer, when defending the actual proposals embodied in their Bill That argument has been dealt with by more than one speaker, and I do not propose to repeat a single word of what has been stated already I should only like to discuss it in relation to two concrete matters My Honourable friend, Sir George Schuster, has already imposed taxation on us amounting to about 5 crores If he had put a heavier duty on Lancashire goods than he has done, it cannot be said that he would have injured the interests of the consumer. The consumer would certainly have lost, but his loss would have been the gain of the State But what is the position now if prices rise? My Honourable friend Sir Darcy Lindsay contended that prices would not rise I doubt, Sir, whether there is anybody who can say confidently, at this stage, that prices would remain at their present level Besides, the representatives of Lancashire, so far as Reuter's cablegrams have informed us, themselves look upon the five per cent Imperial Preference as some compensation for an increase in the revenue duty from 11 per cent to 15 per cent Now, how can this Imperial Preference be regarded as a compensation, unless they feel that the exclusion of non-British goods and the absence of any competition in regard to goods made from finer counts, would enable them to raise the prices of these goods? They would have a practical monopoly in these finer goods Japan might not have been importing into India large quantities of goods of finer classes But there was the possibility, that, seeing that there was no outlet for coarser goods, it might turn its attention to finer goods and thus come into more serious competition than has been the case hitherto with British goods What will happen if prices rise? If they rise to the full extent of five per cent, then, as Sir George Rainy has told us, the consumer would suffer to the extent of two crores, and in whose pockets do these two crores go? Will they be utilised by the State for the benefit of the people whom they are taxing? No, they go into the pockets of private capitalists Take another instance, that of cotton. I have discussed this question with some of my Honourable friends who are conversant with this matter If the duties imposed by Government prove effective, we may take it that the Japanese imports into this country will cease That may have an effect on the purchase of raw cotton by Japan In that case, the price of cotton may fall.

Here again the agriculturist who produces raw cotton suffers. (Hear, hear) If we can say to him that his sufferings would benefit the State, there would be some justification for the acceptance of the Government's proposals But how can we accept the proposal made by the Government and impose an additional burden on the agriculturists at the present time in the interests of foreign capitalists? I think, Sir, even the interests of the consumer, adequately considered, should have led Government to impose an all round protective duty of five per cent

Sir, His Majesty's Government, as is well known, have been trying for some time to induce the countries which are Members of the League of Nations to enter into a tariff pact Their object is that there should be a tariff truce, and that tariff walls should be pulled down Recently the President of the Board of Trade announced, in the House of Commons, that a convention had been signed as well as a protocol regarding future negotiations for reducing trade barriers Sir, if this is the policy of His Majesty's Government, are they morally entitled to enforce or approve of a tariff in India which gives them an advantage against non-Indian goods? If they are seriously desirous of prevailing upon the nations concerned, not to raise tariff barriers, is it not their incumbent duty to make it plain to them, in the most incontrovertible manner, that they at any rate, do not propose to raise tariff barriers directly or indirectly to their own advantage and to hit the trade of a friendly country If, however, they do not take up this moral stand, their efforts at the cessation of tariff wars are doomed to failure It is, Sir, taking the question in a large sense, a moral question His Majesty s Government cannot profess one thing and take their stand in practice on another thing I hope that, if the Government of India themselves attach any importance to the moral aspect of this question, they will still consider the advisability of accepting Pandit Malaviya's amendment and press it on the attention of the Secretary of State

Mr. President: I congratulate the Honourable Member

Pandit Hirday Nath Kunzru: I do not see what you and we together can do at this stage Both you and we are working the constitution as it is

Mr. Jehangir K. Munshi (Burma Non-European) Sir, in this connection, will you permit me to rise to a point of order, partly a point of order and partly a point of procedure, and partly to request the Chair to help the House against the coercive tactics of Government May I point out to the Chair that there is a third amendment which has not yet been moved, and which seeks to impose a duty of 20 per cent , without discrimination and which has the support of the Nationalist Party, the support of my Honourable friend Mr Jinnah and the Independent Party, the support of Sir Darcy Lindsay and Members of the European Group, and also the support of a large number of unattached Members of this House May I, Sir, appeal to you, that instead of confining this debate to these two amendments, you may allow this other amendment also to be moved and discussed and that it should be voted upon first If that amendment is carried, as it is bound to be carried because everybody wants it—the millowners also want it—and if the Government still want to pursue their coercive tactics, they can then take the Bill to the Council of State and bring it back to this House in

3 P M

[Mr Jehangir K Munshi]

the form they insist on, and then the difficulty with which my Honourable friend Mr Jinnah and his party and I myself and other Members are faced will disappear We shall record our opinion that the mill industry should be afforded adequate protection by the imposition of an uniform duty of 20 per cent If, in spite of this, Government insist on the proposals embodied in Mr Chetty's amendment, they can take the help of the Council of State But for our part we shall be recording our preference for a uniform duty of 20 per cent

Mr. President: But what is the Honourable Member's suggestion?

Mr. Jehangir K. Munshi: My suggestion is that this particular amendment may be discussed and put to the vote first

Mr. President: Which amendment?

Mr. Jehangir K. Munshi: I refer to the amendment of Munshi Iswar Saran* which has also been welcomed by Sir Darcy Lindsay

Pandit Thakur Das Bhargava (Ambala Division Non-Muhammadan): A similar amendment stands in my name as well as in the names of others

Mr. President: If the Honourable Member is so sure that other parties are going to support that amendment, in spite of the attitude taken by Government, I would certainly accept his suggestion

Mr. Jehangir K. Munshi: We have heard it said on the floor of this House by the spokesmen of the different parties

Mr. President: Then, the Honourable Member has not heard properly.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber Indian Commerce): I propose to address the House after my Honourable friend Pandit Hirday Nath Kunzru has finished, as to what my party thinks about this amendment

Mr. President: I hope the Honourable Member, Pandit Hirday Nath Kunzru, will now conclude his observations

Pandit Hirday Nath Kunzru: It only remains for me, Sir, to say a few words

Mr. President: Is the Honourable Member still going to continue this farce of a debate?

Pandit Hirday Nath Kunzru: If we choose to come here, I cannot see, Sir, how we can set at naught the ordinary procedure of the House and try to convince the Members of this House who differ from us in any other way Sir, my Honourable friend, Sir George Schuster, in his budget speech, asked us to bear in mind the value of a friendly attitude that we might assume towards His Majesty's Government I appreciate the significance of those words, but I do not congratulate him on having used them at this stage It is well known that we are in a dependent condition and that speaking .

* "In sub-clause (*f*) of clause 2, in the proposed Item No 156A, the words 'not of British manufacture' occurring in the second column be omitted"

Mr. President: I do not want to give any more hints to the Honourable Member

Pandit Hirday Nath Kunzru: Speaking in a constitutional sense, our rights can be achieved only through His Majesty's Government and Parliament Does the Honourable Sir George Schuster mean to tell us that, unless we are prepared to make concessions of a far-reaching character and to agree to things which, in our clear judgment, we should not accept, then we should not expect these great changes that India desires If that is his meaning, then that would be an additional argument for strongly supporting Pandit Malaviya's amendment His proposal postulates political equality between the various parts of the Empire When that equality has been achieved, it might be considered by India in the way it likes and as suits her best interests, but so long as India remains in her present position, so long as she is in her present dependent condition, she cannot even think of the proposal that has been placed before the House by the Honourable Members opposite

Sir Purshotamdas Thakurdas: Sir, I will be very brief, and perhaps I would not have spoken at all but for the fact that my party desire that, before these amendments are voted upon, the position of this party should be again made clear before this House I feel that we, on this side of the House, regret as much as anybody else on this side of the House, the decision of Government, as put before the House by the Honourable the Leader of the House immediately after we met And if I may say one word in passing before I proceed further, I hope my Honourable friend, Pandit Kunzru, will understand it in the correct spirit if I say that the Members on these Benches regret the remark which he made regarding my Honourable friend Mr Jinnah, the Leader of this party

Mr. President: He meant nothing If there was any feeling that the Honourable Member meant anything, I would certainly ask him to withdraw it

Pandit Hirday Nath Kunzru: I made it perfectly plain that I did not wish to bring any political charge against Mr Jinnah and Mr Jinnah himself fully accepted that

Sir Purshotamdas Thakurdas: I was going to say that myself The Honourable Pandit did make it clear that he meant no insinuation But bearing in mind that my Honourable friend himself many times agrees with Government in less compelling circumstances, in this case in which my Honourable friend Mr Jinnah and most of those who are sitting behind us do, I think that he might have spared us even those remarks which necessitated my Honourable friend Mr Jinnah getting up and saying what he did I am quite sure that Pandit Kunzru did not mean anything more than simply saying that we support Government, but Pandit Kunzru himself very often agrees with Government more than we do

Pandit Hirday Nath Kunzru: Can you give any instance of that?

Sir Purshotamdas Thakurdas: Surely my Honourable friend does not always and invariably differ from Government? He may agree with Government in the best of cases.

Pandit Hirday Nath Kunzru: Only when they are right, and not more than you do.

Sir Purshotamdas Thakurdas: We ourselves have made our position clear, and I say that, when the atmosphere is tense, as it happens to be in this case, my party wishes that even what little he did say were not mentioned

Now regarding the merits of my friend Pandit Malaviya's amendment, and the reason why this party cannot support his amendment Sir, the Leader of my party, Mr Jinnah, has made our position clear, but he made that clear before the Government statement, or rather the announcement of their final decision, was made on the floor of the House I feel, Sir, that I ought, at the request of my party, to make the position of my party further clear if I can make it clearer than Mr Jinnah has made it Everybody in this House is agreed that the cotton textile industry of India should have the maximum protection that can be available to that industry by the Legislature and Government There is no difference of opinion as regards that, and the question then is, what are the alternatives before the House There are two alternatives I will not go into the 4 per cent revenue duty, which is in force today The first alternative is that Government propose to give 3½ annas minimum on grey goods *plus* 5 per cent on non-British goods I will call that A The second one is my Honourable friend Pandit Malaviya's amendment, which I will call B, which is, 3½ annas minimum on *all* goods *not* confined merely to grey goods and on all goods *not* confined merely to non-British Now, Sir, the whole question to be considered is, having agreed on the main thing, subject to any preference which I will tackle in a second, the main thing that weighs with my party is, which of the two propositions gives the industry at this juncture—which is admitted by all to be a very critical juncture—the utmost protection Undoubtedly, on mere figures, if there was no Imperial Preference or protection simultaneously to British industries involved in this, I have not the least doubt that the Honourable Pandit will agree that what Government suggest gives the greater protection

Mr. T. Prakasam: Sir, may I interrupt my Honourable friend and ask him to tell this House whether his party would be agreeable to have a 20 per cent duty all round, as suggested in the amendment of Munshi Iswar Saran?

Sir Purshotamdas Thakurdas: If my Honourable friend had waited a little, he would have heard that from myself The whole question is whether the 3½ annas minimum on all goods ensures more protection than 3½ annas on grey goods *plus* 5 per cent on non-British goods

Mr. T. Prakasam: Unnecessary if you agree to that

Sir Purshotamdas Thakurdas: The question then arises, is the 5 per cent duty on non-British goods, *plus* 3½ annas minimum on grey goods, free from any faults?

Pandit Madan Mohan Malaviya: On all grey goods

Sir Purshotamdas Thakurdas: Yes, on all grey goods And we have from these Benches clearly said, in the course of the debate, that we say that the main fault with it is that it makes protection available to

the British industry simultaneously with the Indian industry. None of us has tried to conceal it, nor have we overlooked it What we feel is, is there any option? And the statement of the Honourable the Leader of the House, on behalf of Government, has made it abundantly clear that there is no option to this House, unless it wishes to wreck this Bill, but to agree with Government.

My Honourable friend Mr Prakasam says, would we agree to a total of 20 per cent on all piece-goods, *plus* a 3½ annas minimum? Sir, I do not know what amendment my Honourable friend, Mr Jinnah, would have moved if the Government statement had been otherwise than it has been But I have not the least doubt that, even Mr Jinnah could not have disagreed from it, and I think I can say, on behalf of the other Members of my party, that we would have voted for it if Government had said that they were prepared to accept whatever amendment was passed by this side of the House, for this reason, that the millowners of India—not restricted to Bombay, for it has been brought out rather too much, but the millowners of Madras, Calcutta, Cawnpore, Ahmedabad and all other places—when they were brought together at Delhi less than three months back, all recommended that the minimum protection with which they could stand at this particular juncture was 20 per cent , *plus* 8½ annas per pound minimum Therefore, if the best interests of the industry are to be consulted, this is what should be made available to us, and it is very likely that, if the statement of the Leader of the House had been otherwise than what it was, perhaps Mr Jinnah might have moved an amendment in that direction But in view of what the statement has been, and in the peculiar circumstances in which this House has been placed, and in the peculiar circumstances of the constitution of India—which we may not like and in fact I like it least of all—what is it that we can do in order to save the industry? And my party has come to the conclusion that, in all these circumstances, and with our protest regarding the protection to the British industry part, which we dislike equally, discretion is the better part of valour, and we propose therefore not to wreck the Bill We have no option but to oppose Pandit Malaviya's amendment

Pandit Madan Mohan Malaviya: May I ask whether my Honourable friend will tell the House whether the amount of protection which my amendment will secure to the Bombay industry will not be a great help to the industry, whether it should not be regarded as sufficient under the circumstances, and whether, if my amendment is accepted, the amount of protection it gives is not on the whole better in the interests of Bombay itself than accepting it with the preference to the United Kingdom goods which the Government propose?

Sir Purshotamdas Thakurdas: I think that question can more adequately be replied by my Honourable friend, Mr Mody, who speaks officially for the mills of Bombay, and I do not think that I am in a position to give him a categorical answer

Mr. H. P. Mody (Bombay Millowners' Association Indian Commerce) I did not intend

Pandit Madan Mohan Malaviya: We should like to have the opinion of Sir Purshotamdas Thakurdas, because the country is entitled to know whether, in his considered judgment, with his knowledge of the industry, he disputes the correctness of my proposition, that my amendment secures,

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on the whole, greater advantage and greater protection to the industry in Bombay than the proposals of the Government, with preference to the United Kingdom goods, which will work to the destruction of the Bombay industry in the long run

Mr. H. P. Mody: Sir, .

Pandit Madan Mohan Malaviya: I need not trouble my Honourable friend I wanted the Honourable Member, Sir Purshotamdas Thakurdas, to reply

Mr. H. P. Mody: I fully intended to accept the advice which you tendered to the House this morning that, in view of the very acrimonious and lengthy debate which had taken place on every single issue arising out of the proposals which are now before the House, Members would be well advised if they did not further prolong the debate But, Sir, the Honourable the Leader of the Opposition wishes to know categorically from me as well as

Mr. M. R. Jayakar (Bombay City Non-Muhammadan Urban) On a point of order, Sir The question has been asked by the Leader of the Opposition to Sir Purshotamdas Thakurdas, apparently on the ground that he is not a millowner, and he is in a position to advise the House dispassionately That question should therefore be answered by him and not by Mr Mody, who is identified with the issue

Sir Purshotamdas Thakurdas: I very much appreciate the compliment But I am afraid I must disappoint my friend, for this reason, that I can act only on the information which I have received here, and the information which I have received from my Chamber till now—and which has not been of a meagre character, I may tell the house—justifies my giving a reply in the negative to what the Honourable the Leader of the Opposition has put to me But I thought that Mr Mody, with his expert knowledge of the subject, would be able to give a more detailed reply

The Honourable Sir George Rainy: It will not be necessary, Mr President, I think, that I should speak at any great length as regards the amendments But I should like to begin with what was said by the Honourable the Leader of the Opposition when he complained that I did not, in winding up the debate on the consideration stage, reply fully to the arguments of my Honourable friend, Mr Birla Well, Mr President, I spoke for 50 minutes on that occasion, and at that stage it seemed to me that, since an opportunity would naturally arise of replying to Mr Birla in connection with the amendment, it seemed to me right that I should reserve most of what I had to say on the subject till then My Honourable friend's view is that, if the proposals of the Bill become law, British manufacturers will be able to take full advantage of the difference between the 15 per cent duty and the 20 per cent duty, at any rate in the class of non-competitive goods, and that the result will be to put a sum, which he estimates to be about $2\frac{3}{4}$ crores annually, in the pockets of the British manufacturers Now, the whole question is this Is it likely, is it indeed possible, that the British manufacturer could actually do that? I have given full weight to the quotation which the Honourable Mr Birla made from the Report of the Fiscal Commission on that subject, but my own belief is quite clear that the conditions are such that that result or any result at all resembl-

and the imports from Japan are only about 1 per cent Under thos conditions, I think it is reasonable to suppose that the price of bleache goods must be fixed at present by the competition between the Britis manufacturers themselves—it is not the case that the Lancashire manu facturers constitute a combine or trust at present, on the contrary there i a great deal of competition between them—and I could hardly believe i possible that the imposition of an additional 5 per cent against non British goods could operate—seeing that the imports from other countrie amount to only 5 per cent of the total—could operate to increase the pric by anything like the full extent of the difference on the duty, or indeed i this case to increase it at all

Now, take the case of the dhotis On the figures of 1928-29, the Britis percentage of the imports is 93 per cent It is true that here the import from Japan, although still comparatively small, are increasing rapidly Bu I think it must still be true that, in the main, the price of dhotis, wher they are of a quality, which does not enter into competition with dhoti made in India, must be fixed by internal competition between the Britis manufacturers

Take the coloured goods The percentage there is quite different No only from Japan but from other countries, proportionately there is a muc larger import of coloured goods than in the other classes But Britis goods still constitute 66 per cent of the total, and if the prices ar examined—I had some figures worked out, and I find that, whereas some thing like 86 million yards of the Japanese coloured goods would probabl be subject to the specific minimum duty owing to their low price—and tha is something like four-fifths of the total imports of coloured goods fror Japan—in the case of the British goods, it is only about 17 million yards - which is about 5 per cent of the imports—and the inference I wish to dra is that the British goods are of much finer quality than the great bulk o the coloured goods imported from Japan Therefore, in the case of thes finer goods, there is a very great preponderance of British imports, and th prices again will be determined by competition amongst the British manu facturers

Several speakers have referred to the figures which I gave in the not which was circulated to Members of this House. The most significant thin about these figures, to my mind, was the very clear evidence they supplie of how the cotton industry had been able to grow steadily and, as compare with any other industry in India, rapidly, against the British industry, not withstanding the fact that, at no time has it had the advantage of mor than 11 per cent duty by way of actual protection I think Honourabl Members on the other side altogether underrate the extent to which th increase of the duty to 15 per cent is likely to restrict the market in Indi for British goods, and by restricting the market, to intensify the competi tion That, I think, is an aspect of the case which deserves the very ful consideration of this House But I will say a little more than that I the scheme in the Bill had actually the effect suggested, namely, that i did not keep down the burden on the consumer, but did place, at th expense of the consumer, a large sum of money in the possession o manufacturers in the United Kingdom, that would be entirely and absolu tely contrary to the intentions of Government, and we recognise Mr President, that this is a matter which, in the interests of India, ough to be kept under observation What we are prepared to do, is to maintain to the best of our ability, a continuous record of the prices of piece-good

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during the next year and if the Bill becomes law, then at the end of the year when the new duties have been in operation for that period, to put an officer on special duty to inquire into this particular question as to what has been the effect of the duties upon the prices of cotton piece-goods

Diwan Chaman Lall: Do I take it, Sir, if I may be permitted to interrupt the Honourable Member, that he means that, after a year's operation of this particular measure, Government will take steps to find out to what extent the burden on the consumer has increased?

The Honourable Sir George Rainy: No, Sir, not necessarily to revise the measure, but at any rate to investigate, not the question of what is happening in Bombay as regard manufacturing costs, but as to how the prices of imported piece-goods have been affected

Diwan Chaman Lall: With what object?

The Honourable Sir George Rainy: We would be prepared to lay the Report of the special officer on the table of the House so as to give the House an opportunity for discussion

Diwan Chaman Lall: I want to be particularly clear about the Honourable Member's suggestion Would Government be prepared to bring in a measure amending this particular Bill?

The Honourable Sir George Rainy: If it were found that the effect of the measure was such as has been apprehended by Mr Birla, that is, if it could be shown clearly that very large sums of money at the expense of the consumer were passing into the hands of manufacturers abroad, then Government would have to reconsider the matter Now, Sir, I should like to refer briefly to another aspect of the case which has been rather casually touched upon by one or two speakers and was referred to at greater length by my Honourable friend, Sir Zulfiqar Ali Khan, namely, the effect of the proposals in the Bill, or indeed of the proposals in my Honourable friend the Pandit's amendment, on the interests of the cotton grower Undoubtedly this is one of the interests which the Government of India have to keep in mind and to safeguard as far as they can Apprehension has been expressed lest the effect of the proposals in the Bill might be to restrict the purchases of Indian cotton, and by a reduction of competition, to lead to the Indian cotton grower getting a lower price Well, Sir, we have made an attempt to calculate so far as Japan is concerned, how much of the Indian cotton that goes into Japan comes back into India in the form of piece-goods, and the best calculation we can make suggests that the percentage of the Indian cotton that comes back as piece-goods from Japan could not possibly be put higher than 15 per cent., and may be a good deal lower

Mr. Mukhtar Singh (Meerut Division Non-Muhammadan Rural) What is the percentage of Indian cotton consumed in England and coming back to India as manufactured goods?

The Honourable Sir George Rainy: What I was saying was that the percentage of Indian cotton exported to Japan which returns to India in the form of piece-goods was about 15 per cent of the exports to Japan My point is, Sir, that it is not only for the supply of the Indian market that Japan requires to import Indian cotton; the great bulk of the Indian

cotton that Japan uses is used for other markets. She has her own domestic market, there is the China market and there is the market in the Levant and East Africa, and these markets of course are not affected by the duty Therefore I think that the apprehensions expressed as to the danger to the Indian cotton grower are perhaps a little inclined to be exaggerated Nevertheless it is a matter which, as I have said, Government have a duty to safeguard, and when we place an officer on special duty at the end of the year, I think he might very well be deputed also to consider the effect upon the demand for raw cotton and the price received by the cultivator of raw cotton Now this brings us back to the amendment of the Honourable the Pandit This proposal that Government has put forward for a 3½ annas specific minimum duty on plain grey goods is put forward as a temporary expedient to provide a temporary shelter for the industry, especially in Bombay, so as to give it time to reorganise itself But I am by no means sure that it is likely to form a permanent part of such tariff arrangements as the Tariff Board may recommend some 2½ or 2¾ years from now For there is always a danger that, if in a case like this you make the coarse goods relatively dear by a heavy duty, you might affect the Indian cotton grower unfavourably in so far as the demand was transferred to the finer goods rather than the coarser goods, and for that reason I am averse to any extension of the 3½ annas minimum duty to any class of goods except the plain greys, where it has got a definite temporary purpose to serve I would ask the House to take that also into consideration My Honourable friend Mr Hardy this morning explained very clearly and lucidly to the House the administrative difficulties which in the view of Government make the plan of a 3½ annas minimum duty applicable to all classes of piece-goods practically unworkable It would, we fear, lead to a congestion of trade, which would be found intolerable by the business community generally, and would operate in a very harsh way against those engaged in the trade I am not going over the same ground again but in addition I would say that the best consideration I have been able to give to the Honourable the Pandit's amendment has convinced me that his proposal is open to serious objections as compared with the plan in the Bill So far as I have been able to anticipate the probable effect of his amendment, if it were to be incorporated in the law, I am afraid, it would be to a large extent to impose a high rate of duty where protection was not required, and to admit at a lower rate of duty a considerable amount of competitive goods which, under the Bill as it stands, would be subject to a duty of 20 per cent That would be so at the present level of prices But of course if prices were to rise—and we cannot anticipate that the present very low price of raw cotton and the consequent very low price of cotton piece-goods will continue throughout the three-year period—if there were an appreciable rise in the price, the difference to the industry between the proposals in the Bill and the proposals in the Honourable Pandit's amendment might become very large indeed, because as prices rose, a larger and larger quantity of goods would cease to be subject to the 3½ per cent specific duty and would be subject only to the 15 per cent duty, whereas under the Bill they would continue to be subject—I am speaking of non-British goods—to the 20 per cent duty

Now, Sir, my friend Diwan Chaman Lall cross-questioned me this morning to some extent about the Anglo-Japanese Convention I can only

[Sir George Rainy]

say that I am afraid he has discovered a mare's nest As I said this morning, when a treaty is made in the name of His Majesty the King Emperor, goods produced in any part of His Dominions are not described as goods of foreign origin There is no question at all about that We have kept our hands entirely free in this respect, and as I said this morning, there is not in existence any commercial agreement or treaty which limits India's freedom to grant preferential rates of duty to other parts of the British Empire if she sees fit

Now, Sir, I promised that I would not be long, and I trust I shall be able to keep that promise I am not going over the ground I have already covered at any length in earlier speeches, but I will again say to this House that, after giving my unbiassed judgment to all the various schemes and expedients that have been put forward, and after listening carefully to all that Honourable Members have said, I remain of the opinion with which I started, that the proposals in the Bill come nearer to providing for the needs of the situation than any other that can be devised I recognise the heavy responsibility that rests upon us who sit on the Treasury Benches when we have to come to a decision as to what proposals we shall put forward as being the best in our judgment in the interests of India I recognise that our proposals should be subject to scrutiny, should be closely examined, and that Members of this House who disagree with us may naturally view with suspicion all our proceedings I am not going to argue about all that But whether I am believed or whether I am not, I am going to repeat what has already been said, that the proposals in the form in which they appear in the Bill originated in the Government of India and originated nowhere else and are supported by the Government of India because they believe that they are the best proposals they can make in the interests of India and for no other reason

Mr. President: Having regard to the attitude of the Government I have decided, in the circumstances of this Bill which are so obvious to Honourable Members, to put the questions, but I should like to make one observation I made a certain suggestion to the Government, and they did not accept it The threat held out by the Honourable the Commerce Member to the House, therefore, remains unwithdrawn, and I desire, in that view, to place on record that any decision that the Assembly might finally reach on this important question will not be by the free vote of this House on merits

Now, I shall put Pandit Malaviya's amendment first

Maulvi Mohammad Shafee Daoodi (Tirhoot Division Muhammadan) Sir, before you put this amendment to the vote, I would like to raise a point of order, and it is this Now that the stage of voting has been reached, I want that no Honourable Member who has got any personal interest in the subject matter of the Bill should be allowed to vote This is a Bill for protecting the cotton industries of India, and there are several Honourable Members in this House who own an interest in the industry either as Directors or as Agents

Mr. President: I have already placed on record that any decision which the Assembly might reach on this Bill will not be by the free vote of this House It is therefore not necessary to go into the question raised by the Honourable Member.

Mr. President: The question is that:

"In sub-clause (*1*) of clause 2, for the proposed Item No 156A the following be substituted :

'156A Cotton piece goods .	*Ad valorem*	15 per cent or 3¼ annas per pound, whichever is higher'."

The Assembly divided

AYES—44

Acharya, Mr M K
Agnihotri, Mr K B L
Aney, Mr M S
Ayyangar, Mr K V Rangaswami
Bhargava, Pandit Thakur Das
Birla, Mr Ghanshyam Das
Chaman Lall, Diwan
Das, Mr B
Das, Pandit Nilakantha
Dutt, Mr Amar Nath
Dutta, Rai Bahadur S C
Farookhi, Mr Abdul Latif Saheb
Ghuznavi, Mr A H
Gulab Singh, Sardar
Haji, Mr Sarabhai Nemchand
Javakar Mr M R
Kartar Singh Sardar
Kidwai, Sheikh Mushir Husain
Kunzru Pandit Hirday Nath
Lahiri Chaudhury, Mr D K
Lalchand Navalrai Mr
Malaviya, Pandit Krishna Kant
Malaviya, Pandit Madan Mohan
Mitra, Mr S C
Mohammad Ismail Khan, Haji Chaudhury
Moonje, Dr B S
Mukerjee, Mr Saradindu
Mukhtar Singh, Mr
Neogy, Mr K C
Pandya, Mr Vidya Sagar
Phookun, Mr T R
Prakasam, Mr T
Rang Behari Lal, Lala
Ranga Iyer, Mr C S
Reddi, Mr T N Ramakrishna
Sarda, Rai Sahib Harbilas
Shafee Daoodi, Maulvi Mohammad
Singh, Kumar Rananjaya
Singh, Mr Gaya Prasad
Sinha, Kumar Ganganand
Sinha, Mr Rajnarayan Prasad
Suhrawardy Dr A
Talatuley, Mr S D
Venkatakrishnayya, Choudhri, Mr P

NOES—60

Abdul Aziz, Khan Bahadur Mian
Abdul Matin Chaudhury, Maulvi
Abdul Qaiyum, Nawab Sir Sahibzada
Alexander, Mr W
Ayyar, Sir C P Ramaswami
Bajpai, Mr R S
Banarji, Mr Rajnarayan
Baum, Mr E F
Chatterjee, The Revd J C
Cocke, Sir Hugh
Cosgrave Mr W A
Crawford, Colonel J D
Dalal, Dr R D
Drake, Mr J C B
Ferrers, Mr V M
French, Mr J C
Ghazanfar Ali Khan, Raja
Gidney, Lieut.-Colonel H A J
Gwynne, Mr C W
Haig, The Honourable Mr H G
Hamilton, Mr K L B
Hardy, Mr G S
Heathcote, Mr L V
Hira Singh Brar, Sardar Bahadur, Honorary Captain
Howell, Mr E B
Hyder, Dr L K
Ismail Khan, Mr Muhammad
Jawahar Singh, Sardar Bahadur Sardar
Jehangir, Sir Cowasji
Jinnah, Mr M A
Lamb, Mr W S
Lindsay, Sir Darcy
Mitchell, Mr D G
Mitra, The Honourable Sir Bhupendra Nath
Mitter, The Honourable Sir Brojendra
Mody, Mr H P
Moore, Mr Arthur
Mukherjee Rai Bahadur S C
Pai, Mr A Upendra
Parsons, Mr A A L
Purshotamdas Thakurdas Sir
Rahimtulla, Mr Fazal Ibrahim
Rainy, The Honourable Sir George
Rajan Bakhsh Shah, Khan Bahadur Makhdum Syed
Rau, Mr H Shankar
Roy, Mr K C
Ryan, Mr T
Sahi, Mr Ram Prashad Narayan
Sarfaraz Hussain Khan, Khan Bahadur
Sarma, Mr R S
Schuster the Honourable Sir George
Scott, Mr J Ramsay
Shah Nawaz, Mian Mohammad
Siddiqi, Mr Abdul Qadir
Slater, Mr S H
Yakub, Maulvi Muhammad
Yamin Khan Mr Muhammad
Young, Mr G M
Ziauddin Ahmad, Dr
Zulfiqar Ali Khan, Sir

The motion was negatived

Mr. President: Order, order

Mr. Amar Nath Dutt (Burdwan Division Non-Muhammadan Rural): Sir, can an absent Member's amendment be put to the vote?

Mr. President: The question is

"That the amendment of Mr Shanmukham Chetty be adopted, viz :

'In sub clause (*1*) of clause 2, for the proposed Item No 156A the following be substituted

"156A	Cotton piece-goods (other than fents of not more than nine yards in length)—		
	(*a*) plain grey, that is, not bleached or dyed in the piece, if imported in pieces which either are without woven headings or contain any length of more than nine yards which is not divided by transverse woven headings,		
	(i) of British manufacture . .	*Ad valorem*	15 per cent or 3½ annas per pound, whichever is higher.
	(ii) not of British manufacture .	*Ad valorem*	20 per cent. or 3½ annas per pound, whichever is higher.
	(*b*) others—		
	(i) of British manufacture . .	*Ad valorem*	15 per cent
	(ii) not of British manufacture .	*Ad valorem*	20 per cent'."

The Assembly divided.

AYES—62.

Abdul Aziz, Khan Bahadur Mian
Abdul Matin Chaudhury, Maulvi
Abdul Qaiyum, Nawab Sir Sahibzada Ahmed, Mr K
Alexander, Mr W
Ayyar, Sir C P Ramaswami
Bajpai, Mr R S
Banarji, Mr Rajnarayan
Baum, Mr E F
Bhuto, Mr W W. Illahibakhsh
Chatterjee, The Revd J C
Cocke, Sir Hugh
Cosgrave, Mr W A.
Crawford, Colonel J D
Dalal, Dr R D
Drake, Mr J C B
Ferrers, Mr V M
French, Mr J C
Ghazanfar Ali Khan, Raja
Gidney, Lieut.-Colonel H A J
Gwynne, Mr C W
Haig, The Honourable Mr H G
Hamilton, Mr K L B
Hardy, Mr G S
Heathcote, Mr L V
Hira Singh Brar, Sardar Bahadur, Honorary Captain
Howell Mr E B
Hyder, Dr L K
Ismail Khan, Mr Muhammad
Jawahar Singh, Sardar Bahadur Sardar
Jehangir, Sir Cowasji
Jinnah, Mr M A
Lamb, Mr W S
Lindsay, Sir Darcy
Mitchell, Mr D G
Mitra, The Honourable Sir Bhupendra Nath
Mitter, The Honourable Sir Brojendra
Mody, Mr H P
Moore, Mr Arthur
Mukherjee, Rai Bahadur S C
Munshi, Mr Jehangir K.
Pai, Mr A Upendra
Parsons, Mr A A L
Purshotamdas Thakurdas, Sir
Rahimtulla Mr Fazal Ibrahim
Rainy, The Honourable Sir George
Rau, Mr H Shankar
Roy, Mr K C
Ryan, Mr T
Sahi, Mr Ram Prashad Narayan
Sarfaraz Hussain Khan, Khan Bahadur
Sarma, Mr R S
Schuster, the Honourable Sir George
Scott, Mr J Ramsay
Shah Nawaz, Mian Mohammad
Siddiqi, Mr Abdul Qadir
Slater, Mr S H
Yakub, Maulvi Muhammad
Yamin Khan, Mr Muhammad.
Young, Mr. G M
Ziauddin Ahmad Dr
Zulfiqar Ali Khan Sir

NOES—42.

Acharya, Mr M K.	Mohammad Ismail Khan, Haji Chaudhury
Agnihotri, Mr K B L	Moonje, Dr B S
Aney, Mr M S	Mukerjee, Mr Saradindu
Ayyangar, Mr K V Rangaswami	Mukhtar Singh, Mr
Bhargava, Pandit Thakur Das	Neogy, Mr K C
Birla, Mr Ghanshyam Das	Pandya, Mr Vidya Sagar
Chaman Lall, Diwan	Phookun, Mr T R
Das, Mr B	Prakasam, Mr T
Das, Pandit Nilakantha	Rang Behari Lal, Lala
Dutt, Mr Amar Nath	Ranga Iyer, Mr C S
Dutta, Rai Bahadur S C	Reddi, Mr T N Ramakrishna
Farookhi, Mr Abdul Latif Saheb	Sarda, Rai Sahib Harbilas
Ghuznavi, Mr A H	Shafee Daoodi, Maulvi Mohammad
Jayakar, Mr M R	Singh, Kumar Rananjaya
Kartar Singh, Sardar	Singh, Mr Gaya Prasad
Kidwai, Sheikh Mushir Husain	Sinha, Kumar Ganganand
Kunzru, Pandit Hirday Nath	Sinha, Mr Rajivaranjan Prasad
Lahiri Chaudhury, Mr D K	Suhrawardy, Dr A
Lalchand Navalrai, Mr	Talatuley, Mr S D
Malaviya, Pandit Krishna Kant	Venkatakrishnayya, Choudhri, Mr P
Malaviya, Pandit Madan Mohan	
Mitra, Mr S C	

The motion was adopted

Mr. President: If no Honourable Member wishes to move any amendment to clause 2, I shall put the clause

Mr. M. K Acharya (South Arcot *cum* Chingleput Non-Muhammadan Rural) Sir, I have an amendment* on clause 2

Mr President: That amendment is now out of the way in view of the decision reached by the House

Mr. B. Das: Sir, I wish to move my amendment which runs as follows

"In sub-clause (*1*) of clause 2, in the proposed Item No 156A the words 'not of British manufacture' occurring in the second column be omitted"

Mr President: Does this amendment still hold the field in view of the decision just reached?

The Honourable Sir George Rainy: I submit that, after the decision just reached by the House on Mr Chetty's amendment, this amendment would be inconsistent with that decision In fact, the amendment would have to be redrafted before it could have any effect The omission of the words 'not of British manufacture' in the clause as it originally stood would have the effect desired by the Honourable Member, but if it is omitted from the clause as it stands after the adoption of Mr Chetty's amendment, it would become meaningless altogether

4 P M

*In sub-clause (*1*) of clause 2, for the proposed Item No 156A the following be substituted

"156A Cotton piece-goods—			
(*a*) plain grey, that is not bleached or dyed in the piece, including bordered grey dhotis, if imported in pieces . . headings (British or non-British)	*Ad valorem*	.	15 per cent or 3½ annas per pound, whichever is higher
(*b*) others—			
(*i*) of British manufacture	*Ad valorem*	.	15 per cent or 3½ annas per pound, whichever is higher.
(*ii*) not of British manufacture	*Ad valorem*	.	20 per cent."

Mr. President: The question is

"That clause 2, as amended, stand part of the Bill."

The motion was adopted

Clause 2, as amended, was added to the Bill

Mr. President: The question is

"That clause 3 stand part of the Bill."

Mr Das

Mr. B. Das: Sir, I beg to move

"That clause 3 be omitted"

Sir, I have very few words to say I only want to define my position in one sentence and place it before the House I only want that the handloom weavers should be protected Now that the millowners have sold the country and have got what they want, let the millowners stand by and afford some protection to the six lakhs of handloom weavers in the country If the clause is allowed to stand as it is, it will work great hardship for three years more to the handloom weavers May I remind the Honourable Muslim Members, who are so much supporting the Government in this scheme of Imperial Preference, that the majority of the handloom weavers are Mussalmans? The Cotton Yarn Protection Act of 1927 reduced the daily wages of the handloom weavers and you are placing them again at that disadvantage If you want to reduce their bread, do it by all means with your conscience in your soul!

Mr. President: The question is:

"That clause 3 be omitted"

(Mr B Das demanded a division)

Mr. President: I do not think your party wants a division

Mr. B. Das: I do not think there is any decision of the party not to vote.

Mr. President: The question is:

"That clause 3 be omitted"

The Assembly divided

AYES—35.

Abdul Matin Chaudhury, Maulvi
Acharya, Mr M K
Agnihotri, Mr K B L
Aney, Mr M S
Ayyangar, Mr K V Rangaswami
Bhargava, Pandit Thakur Das
Chaman Lall, Diwan
Das, Mr B
Das, Pandit Nilakantha
Dutt, Mr Amar Nath
Dutta, Rai Bahadur S C
Farookhi, Mr Abdul Latif Saheb
Ghuznavi, Mr A H
Gulab Singh, Sardar
Kartar Singh, Sardar
Kidwai Sheikh Mushir Husain
Lahiri Chaudhury, Mr D K
Malaviya, Pandit Krishna Kant
Mitra, Mr S C
Mohammad Ismail Khan, Haji Chaudhury
Mukerjee Mr Saradindu
Neogy, Mr K C
Pandya, Mr Vidya Sagar
Phookun, Mr T R
Prakasam, Mr T
Rang Behari Lal, Lala
Reddi, Mr T N Ramakrishna
Shafee Daoodi, Maulvi Mohammad
Singh, Kumar Rananjaya
Singh, Mr Gaya Prasad
Sinha, Kumar Ganganand
Sinha, Mr Rajivaranjan Prasad
Suhrawardy Dr A.
Talatulev, Mr S D
Venkatakrishnayya, Choudhri, Mr P.

NOES—49

Abdul Aziz, Khan Bahadur Mian
Abdul Qaiyum, Nawab Sir Sahibzada
Alexander, Mr W
Ayyar, Sir C P Ramaswami
Bajpai, Mr R S
Banarji, Mr Rajnarayan
Baum, Mr E F
Chatterjee, The Revd J C
Cocke, Sir Hugh
Cosgrave, Mr W A
Crawford, Colonel J D
Dalal, Dr R D
Drake, Mr J C B
Ferrers, Mr V M
French, Mr J C
Gidney, Lieut.-Colonel H A J
Gwynne, Mr C W
Haig, The Honourable Mr H G
Hamilton, Mr K L B
Hardy, Mr G S
Heathcote, Mr L V
Hira Singh Brar, Sardar Bahadur, Honorary Captain
Howell, Mr E B
Jawahar Singh, Sardar Bahadur Sardar
Jehangir, Sir Cowasji
Lamb, Mr W S
Lindsay, Sir Darcy
Mitchell, Mr D G
Mitra, The Honourable Sir Bhupendra Nath
Mitter, The Honourable Sir Brojendra
Mody, Mr H P
Moore, Mr Arthur
Mukherjee, Rai Bahadur S C
Munshi, Mr Jehangir K
Pai, Mr A Upendra
Parsons, Mr A A L
Purshotamdas Thakurdas, Sir
Rahimtulla, Mr Fazal Ibrahim
Ramsay, The Honourable Sir George
Rau, Mr H Shankar
Ryan, Mr T
Sahi, Mr Ram Prashad Narayan
Sarfaraz Hussain Khan, Khan Bahadur
Sarma, Mr R S
Schuster, The Honourable Sir George
Scott, Mr J Ramsay
Slater, Mr S H
Yamin Khan, Mr Muhammad
Young, Mr G M

The motion was negatived

The Honourable Sir Brojendra Mitter (Law Member) Sir, I beg to move

"That for clause 3 the following be substituted, namely

'3 (*1*) In Item No 44 of the Second Schedule to the Indian Tariff Act, 1894, after the figure and words "5 per cent" the figure and words "or 1½ annas per pound, whichever is higher" shall be added

Amendment of the Second Schedule, Act VIII of 1894

(*2*) The amendment made by this section shall have effect only up to the 31st day of March, 1933' "

Sir, this amendment is a formal one, and is necessary by reason of the fact that the Cotton Yarn Amendment Act of 1927 expires today, and if the clause stood as it is in the Bill, it would be referring to a dead Act Sir, I move

Mr President (to Mr M K Acharya) Does the Honourable Member wish to move an amendment to this amendment?

Mr. M. K. Acharya: It is a very small amendment, Sir

Rai Bahadur S. C. Dutta (Surma Valley *cum* Shillong Non-Muhammadan) Sir, I have an amendment to the same effect

Mr. President: Mr Dutta's amendment is the same as Mr Acharya's

Rai Bahadur S. C. Dutta: Sir, I move that

"In sub clause (*2*) of the proposed amendment by the Honourable Sir Brojendra Mitter to clause 3 of the Bill, for the figures '1933' the figures '1931' be substituted"

[Rai Bahadur S. C Dutta]

I only want to draw attention to this fact that in the Statement of Objects and Reasons, it is stated that the object of the original amendment to the Tariff Bill that was made in 1927 was protection as against Japan It is now admitted in the Statement of Objects and Reasons that that unfair competition with Japan has ceased to exist, but it is added that the import of yarn from China has increased, and that, until lately, labour conditions in China were also unfair, but that

"Information has very recently been received that on the 16th January, 1930, a law was promulgated in China which prohibits child labour and the night work of women, and limits the hours of work generally, but no evidence is forthcoming to show that any steps have been taken to make this law effective"

If this be the condition, then I submit that an extension of this duty for a further one year is all that is necessary, because we do not know what will happen, and it cannot be said that the conditions in China would not improve, and that the law will not be enforced If that law in China, which was recently made, be enforced, then there would be admittedly no reason for this specific duty I therefore think it should be confined to one year

Mr. President: The original question was

"That for clause 3 the following be substituted, namely

'3 (*1*) In Item No 44 of the Second Schedule to the Indian Tariff Act, 1894, after the figure and words "5 per cent" the figure and words 'or 1½ annas per pound, whichever is higher" shall be added

Amendment of the Second Schedule, Act VIII of 1894

(*2*) The amendment made by this section shall have effect only up to the 31st day of March, 1933' "

since which the following amendment has been moved

"That in sub clause (*2*) of the proposed amendment by the Honourable Sir Brojendra Mitter to clause 3 of the Bill for the figures 1933' the figures '1931' be substituted"

The question is that that amendment be made

The motion was negatived

Mr. President: The question is

"That for clause 3 the following be substituted, namely

'3 (*1*) In Item No 44 of the Second Schedule to the Indian Tariff Act, 1894, after the figure and words "5 per cent" the figure and words "or 1½ annas per pound, whichever is higher" shall be added

Amendment of the Second Schedule, Act VIII of 1894.

(*2*) The amendment made by this section shall have effect only up to the 31st day of March, 1933' "

The motion was adopted

Clause 3, as amended, was added to the Bill

Clause 1 was added to the Bill

Mr. President: The question is

"That this be the Title and Preamble of the Bi

The Honourable Sir Brojendra Mitter: Sir I beg to move .

"That in the long title the words and figures 'and to amend the Indian Tariff (Cotton Yarn Amendment) Act, 1927', be omitted "

The motion was adopted

The Honourable Sir Brojendra Mitter: Sir, I beg to move

"That in the Preamble, the words and figures to amend the Indian Tariff (Cotton Yarn Amendment) Act, 1927', be omitted "

The motion was adopted

The Title and Preamble, as amended, were added to the Bill.

The Honourable Sir George Rainy (Member for Commerce and Railways) Sir I move that the Bill, as amended, be passed

Pandit Madan Mohan Malaviya: Sir, I rise to offer once more, and for the last time, my opposition to the Bill which is before the House It is not necessary, Sir, to take up the time of the House in expressing that opposition Arguments have been exhausted, but they have been lost upon the Government I have been a Member of the Imperial Legislative Council and of the Legislative Assembly for twenty years, excepting the period of the first Assembly, and I have never known the Government adopt a more unreasonable attitude than they have adopted on this occasion I feel, Sir, that while we have tried to work the constitution, even though it is defective and unsatisfactory, the performance of the Government today in connection with this Bill has carried us to the utmost limit The action of the Government in disregarding the fiscal autonomy convention, and in not thankfully acting on the opinion with which you helped them today, has shown, Sir, that it is not only no use staying here to discuss the third reading of the Bill, but that we shall be guilty of not emphasising our protest to the utmost extent we can by continuing to take part in any further discussion The voting has shown that those who think that they have won have lost Sixty votes were recorded for the Government on the first motion Twenty six among them were officials, paid servants of the Government If you eliminate 26, only 34 Members voted against my amendment On the other hand forty-four non-official Members have recorded their votes for it On the second voting too, of the 62 votes recorded for Mr Chetty's amendment, eliminating 26 officials, there were only 36 in favour of it while there were still 42 votes of non-official Members recorded against that amendment Those who think that the Government have won, may flatter themselves with that belief, but they have actually lost Those on this side, who have lost by the counting here, have gained, of those who have voted for the Government proposal, many have done so under a sense of coercion and the country will know that this Bill has not been passed by the free vote of the Assembly (Hear, hear, and applause) I consider, Sir, that, at this time when the country is passing through a very serious crisis, when there is a good deal of suffering throughout the country, when from all directions we hear stories, sad tales of the sufferings which the people are undergoing, the action of the Government in imposing this heavy burden upon the consumer is utterly unjustified I still hope that there is some authority which might help the Government to avoid walking in the path of evil But I do not know whether that hope will be realised

[Pandit Madan Mohan Malaviya]

or not. And we feel, Sir, that having made our strongest protest, having done all that we could by way of argument to convince the Government of the injustice of their proposal after having done all that we could to record our strong conviction that the Government are acting wrongly, I feel, Sir, that it would be a sin on my part to continue to take any further part in the discussions over this Bill We therefore retire and leave it to the Government and its supporters to pass the Bill

(The Members of the Nationalist Party accordingly left the Chamber)

Mr. President: The question is.

"That the Bill be passed "

Diwan Chaman Lall: I wish to say just one word I want to clear the position that I have taken up in this matter.

Mr. President: If every Honourable Member wishes to clear his position . . .

Diwan Chaman Lall: I am only exercising my right to speak

Mr. President: If the Honourable Member wants to exercise his right, I cannot prevent him

Diwan Chaman Lall: All that I wish to submit is this I have from the beginning held that the House, constituted as it is to-day, has no right to impose this additional burden upon the consumer in the manner in which this House has arrogated to itself the right to do so I wish to state categorically that the votes some of us, who do not believe in protection, have given on Pandit Madan Mohan Malaviya's amendment, were for the definite purpose of making an attempt to wreck this Bill We have not succeeded in doing that and I and my party endorse every word that Pandit Madan Mohan Malaviya has uttered We will follow the lead that he has given and we have therefore decided to take no further part in the proceedings as far as this Bill is concerned

(The Honourable Member with Members of the New Swaraj Party then left the Chamber)

Mr. President: The question is

"That the Bill be passed "

The motion was adopted

THE SILVER (EXCISE DUTY) BILL

The Honourable Sir George Schuster (Finance Member) Sir, I beg to move

"That the Bill to provide for the imposition and collection of an excise duty on silver be taken into consideration."

This House is already aware of the purpose and genesis of this Bill, which is clearly explained in the Statement of Objects and Reasons I therefore feel that no explanation from me is required

The motion was adopted.

Clauses 2 to 6 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir George Schuster: I move that the Bill be passed.

Mr. President: The question is.

"That the Bill be passed"

Mr. W. S. Lamb (Burma European) Sir, you seem very anxious, and Honourable Members too are anxious, to adjourn now But I think it is right that I should occupy some few minutes at least to speak up for the producers of silver in Burma, who produce 99 per cent of the silver made in India Sir, this Bill gives evidence of what might be described as premature birth, and that is hardly surprising, considering that it was conceived and evolved during the period when my Honourable friend, the Finance Member, was in this House doing all he could to apprehend what Honourable Members had to say about his Budget As for the Bill itself as I am not a drafter or a lawyer, I cannot say whether it is any better than the Marriage Amendment Bill, to which our Honourable friend, Sir Hari Singh Gour, took considerable exception But where I think you find evidence that the Bill has not been sufficiently considered, as it should have been, is in the Statement of Objects and Reasons Sir, in the Statement of Objects and Reasons, you will find it is said

"If this proposal is accepted, the effect will be to raise the internal price of silver, which will give a corresponding bounty to local producers of silver on so much of their output as is sold in India"

Now, Sir, I suggest to the House that there is, in that remark, evidence that the proposition has not been so carefully considered as it should have been, for, if the Honourable the Finance Member, or his Department, had only taken cognisance of the fact that a good deal of silver was produced in India, they would have discovered that this Company, to which they refer, has sold every single ounce of its production of silver in India, no doubt to the very considerable benefit of trade and commerce in India. Now I venture to suggest that, if the Honourable the Finance Member had been aware of this fact, he would have considered whether this Company, from whom he proposes to take Rs 18 lakhs, was entitled to special consideration I do not ask for what Honourable Members might call protection, all I want for this Company is a square deal

Now, Sir, the situation is such as India has never seen before We have the spectacle of the Government of India, with large stocks of silver which they are desirous of selling, and selling it in a market which they control, possibly to the loss of the indigenous producer If Honourable Members remember the history of the silver duty, on a previous occasion when there was a duty, the production of silver in India was negligible; now it is no longer negligible At the same time, it is not of such a large quantity that, being sold in India, it can have any real effect upon the price in India We are aware, I think, that during last year the Government of India sold some 30 million ounces of silver. Now we have the declaration of the Honourable the Finance Member that their policy will be to make future sales in India—it may be 30 million ounces, it may

[Mr W S Lamb]

be 40 million ounces, I am not very well acquainted with these matters, but as they had a big sale last year of 80 million ounces, one may assume that they are going to sell very considerable quantities in years to come Well, I suggest, Sir, that there is no certainty that this Company which will be called upon to pay this 4 annas per ounce, which comes to Rs. 18 lakhs, to the Government of India—there does not appear to be any certainty that the Company will, in the selling price, secure the full amount Here we have the Government of India with stocks which they are selling, stocks of course upon which they have not got to pay this 4 annas, and there seems at least to be a possibility—I do not know to what extent with the limited knowledge I have, I cannot put it more strongly than that—but I believe there certainly is the possibility that the price the Company secure will fall short of the London price *plus* 4 annas It may occur to the Honourable the Finance Member and to the Finance Department to say that, if the Company is meeting a loss in India, they can of course go and sell elsewhere, but as I have pointed out, here is a Company which has up to the present sold every ounce of its production of silver in India, it is a Company established in India, registered in India with rupee capital, a Company which pays many lakhs yearly in the shape of royalty to the Provincial Government, which makes great purchases locally, and pays large sums in wages, income-tax, royalty and other things such as police During the last completed year the Company paid thus well over Rs 2 crores Therefore I suggest to this House and to the Honourable the Finance Member that this is truly an Indian Company and that it will be quite unfair and improper to suggest that, "If you are not satisfied with things as they are in India, you ought to go elsewhere" It seems to me that they are entitled to that much consideration that they should be held to be entitled to continue to sell their production of silver in India As I have said, Sir, I am not suggesting, at this minute, that they require protection, possibly in the years to come that is a question which may have to be considered, for they have lost money, I may say, in the three months to the end of December 1929, they had sold silver at an average of 22*d*, the price now is 19*d*, each penny of fall in the price of silver means a difference in the Company's revenues of £30,000 If you put it in annas, a fall of one anna in revenue means Rs 6 lakhs It is not only silver that is depressed, all other metals are depressed, and naturally the silver market and other markets, being in the condition they are now, naturally the Company view with very considerable, if not grave, concern, this imposition of an additional Rs 18 lakhs to add to the royalties, income-tax and super-tax

Sir, I trust that I have the sympathy of the House, and I desire to have from the Honourable the Finance Member a clear statement of his appreciation of the situation of this Company That is, I should like from him a promise that, after reviewing the situation and the course of the market for silver in India during the first year he will consider with sympathy, real sympathy, any representations which the Burma Corporation may feel it proper to submit to him

The Honourable Sir George Schuster: Sir, I think my Honourable friend is under some confusion on this matter, in regarding this duty as representing a burden of Rs 18 lakhs on the company; rather I should say

the Rs 18 lakhs, if a sufficient quantity of silver is produced by the Company and sold in India, will be paid by the consumer, just in the same way as the import duty falls on the consumer The main point is brought out if one looks at the other alternative, that is to say, if we did not impose this silver excise duty, we should be conferring upon that Company a very substantial bonus Whether the amount of that bonus would be exactly equivalent to the amount of the duty is a matter for experience to show, but at present the evidence before us is that the internal price of silver has improved practically to the extent of the duty I am afraid Sir, I can offer my Honourable friend no more than sympathy I do not feel that at present he has established any case for special treatment, but if real hardship could be demonstrated or a case made out for an inquiry by the Tariff Board, then of course it would always be open to him to put up a proposal to the Government But at present, Sir, I have no option but to proceed with the Bill and to ask this House to pass the Bill

Mr. President: The question is

"That the Bill be passed"

The motion was adopted

THE INDIAN COMPANIES (AMENDMENT) BILL

The Honourable Sir George Rainy (Member for Commerce and Railways) Sir, I move that the Bill further to amend the Indian Companies Act, 1913, for certain purposes, as reported by the Select Committee, be taken into consideration Sir, I explained the object of this Bill pretty fully at the time when I moved its reference to Select Committee The Bill has come back from the Committee with certain minor amendments in drafting but with no changes of substantial importance In these circumstances, Sir, I do not think I need take up the time of the House by making a long speech in making this motion

Mr. President: The question I have to put is

"That the Bill further to amend the Indian Companies Act

Mr. Vidya Sagar Pandya (Madras Indian Commerce) Sir, I want to make a few observations on the Bill

Mr. President: Has he any amendment to move?

Mr. Vidya Sagar Pandya: I have an amendment, but I now want to speak on the Bill itself I will take half an hour

Mr. President: Take one hour if you please

Mr. Muhammad Yamin Khan (United Provinces Nominated Non-Official) When the Honourable the Leader of the Opposition and his Party walked out, they said that they did not want to take any further part in the Tariff Bill, but they did not say that they did not want to take any part in the other Bills

Mr. President: They can come in, I have no objection.

Mr. Muhammad Yamin Khan: I find there are certain amendments

Mr. President: Any matter that is controversial will be postponed

Mr. Muhammad Yamin Khan: There is Mr Aney's amendment* on this Bill

Mr. President: I understand Sir Hugh Cocke is going to move a similar amendment Am I right?

Mr. Muhammad Yamin Khan: But the House will be deprived of the views of the Members who have withdrawn from the House

Mr. President: Order, order, I can't help it

Mr. Vidya Sagar Pandya: Sir, first of all, let me express my thanks

Mr. Jehangir K. Munshi (Burma Non-European) Sir, I espy two strangers in the House—I mean on the Nationalist Benches I do not know whether it is in order for my Honourable friend, Sir Cowasji Jehangir and Sir C P Ramaswami Ayyar to continue to sit on the Nationalist Benches after the Nationalist Party has walked out of the Chamber (Laughter)

Mr. President: They are the seats allotted to the Honourable gentlemen by the Chair

Mr. Vidya Sagar Pandya: Sir, let me express my thanks to the Honourable the Commerce Member for having brought in this Bill at this Session His original idea was to circulate the Bill for public opinion, and if he had done so, it would have taken a much longer time, and much valuable time would have been lost for bringing this very useful reform into practice As such, the thanks of the accountancy profession and the auditors in India are due to the Honourable Sir George Rainy for having brought up this Bill at this Session My only regret is that, instead of bringing the Bill at the beginning of the Session, when it would have received better attention, it has been brought at the fag end of the Session, and especially at a time when almost all Members on one side of the House are absent Now, to proceed further, I may say the Indian Companies Act was passed in 1913, but the subject of forming an autonomous body of Chartered Accountants in India has been delayed so long Originally it was intended that this matter should be brought up much earlier, but now it is hoped that, when the Bill becomes an Act, action will be taken early enough after it is passed, and that no undue delay will take place in drafting the rules and setting up the machinery to work out the details, and that when the draft rules are framed, the Government will not depart from the original good intentions to make the scheme a success and bear in the mind the views of the Indian Societies of Accountants and Auditors in India and of other public commercial bodies who have been consulted in the matter

Then, Sir, the measure is said to be to prepare way for advance towards the ideal system of an autonomous Association of Accountants as stated

*"That for the second proviso to sub-clause (*1*) of clause 3 the following be substituted

'Provided further that any person residing in India on the date of the commencement of this Act who immediately before such date was entitled to be appointed and to act as an auditor of companies throughout British India shall, subject to the provisions of this Act and the rules made thereunder, be eligible for enrolment on the Register of Accountants referred to in sub section (2*A*) of section 144 of the Indian Companies Act, 1913' "

in the Statement of Objects and Reasons. I hope the Government of India will not lose sight of it In the case of similar other professional Associations, such as Medicine, Law, Engineering, etc , they do not admit any persons other than those who belong to the profession in forming a Board. In this instance also, though I realise the difficulties of the Honourable Sir George Rainy in the matter, I hope Government will not lose sight of this point, but progressively introduce more and more Members on All-India and Local Accountancy Boards elected out of the registered accountants and auditors within the near future, to convert it entirely into an Indian institution of Chartered Accountants and Auditors

Now, Sir, regarding the clauses of the Bill, I have received certain telegrams and representations from several Societies of Accountants in Bombay, Lahore, Madras, and the Southern India Chamber of Commerce I shall not weary the House with any long quotations, but I will read out only a few of them At an informal meeting of Accountants practising in Lahore, held on Wednesday the 5th March, the Bill was considered with the following results

(1) The Bill was approved in general terms, and it was noted specially that the ultimate aim was an autonomous Association of Accountants in India

(2) Exception was taken to the provisions of section 2A (*e*) Primarily it was considered that the Indian Accountancy Board should include no persons other than those who would be eligible for registration under the Bill, but if this suggestion be not acceptable, as an alternative, it was considered that the period for which any persons not eligible for registration under the Bill should be appointed to, and remain members of, the Board, should be limited to the first term of the Board's existence

Then I come, Sir, to the Resolution passed at the meeting, held on the 15th instant, of the Society of Auditors in Madras, who considered the Report of the Select Committee, and they state thus

"(1) That this society is of opinion that the proposed proviso to section 2 (*z*) (*b*) of the amending Bill, 'Provided that nothing contained in such rules shall preclude any person from being granted a certificate merely by reason that he does not practise as a public accountant' be dropped as the Indian Accountancy Board alone when constituted will be in a better position to consider this question if there should be any distinction between practising and non practising accountants and the proviso if enacted would preclude the consideration of this question by that Board "

"(2) That this Society is of opinion that, in the interests of the profession generally, there should not be two classes of auditors and therefore persons holding restricted certificates should also be brought on the said register and under the same control "

Then comes a telegram from the Restricted Certificate Holders from Madras, who wire as follows

'Auditors holding restricted certificates are now leading practitioners in several provinces Please press their claims in Assembly for equal privileges with Government Diploma Holders "

Then comes a telegram from the Southern India Chamber of Commerce, Madras

"Companies Bill considered Non practising Accountants to be covered by rules and omitted in statute Discrimination against registered Auditors to be omitted "

This is the reason, Sir, why I have tabled an amendment, and on that I shall speak later on

[Mr Vidya Sagar Pandya]

For the present, I may say that I am glad that some of the suggestions made by the Indian Society of Accountants and Auditors, Bombay, have been adopted by the Select Committee, but the restricted Accountants have not been allowed to be enrolled on the Register of Accountants as urged by them as well as by other bodies

The Society of Indian Accountants and Auditors urge the following points for the consideration of Government (1) Under the Bill the Governor General in Council will grant recognition as heretofore to the members of such non-Indian bodies of accountants and auditors as he choses, and thus enable them to act as auditors of companies throughout British India This recognition has been given for the last more than fifteen years to six British bodies of professional accountants, and it may safely be presumed that it will be given once again to these bodies under the new Act Thus, the members of those bodies enjoy certain rights and privileges in India under Indian laws which they do not seem to enjoy at present in the same way in the other parts of the British Empire or elsewhere and do not enjoy even in the United Kingdom by reason of their membership of such recognised Societies It is not at all objected that members of any reputable non-Indian body of professional accountants and auditors may enjoy in India the privileges enjoyed by the other members of the accountancy profession in the country If, however, recognition is to be granted to these bodies, or any other body of accountants under the new Act, then it is incontrovertible, that Government should first insist, that these non-Indian bodies of accountants, who seek recognition in India, shall not once again pass over, under some excuses, the just and reasonable claims of Indian students and Indian accountants and auditors, trained and qualified in India, for getting due reciprocity of treatment and recognition and proper educational facilities as are being given by these bodies to the nationals of the other parts of the British Empire With this end in view it is suggested that an unequivocal assurance be given by the Government on the floor of the House now, when the Bill has come up for discussion before it, that the Governor General in Council shall grant recognition only to the members of such reputable bodies of accountants and auditors as would give due reciprocity of treatment and recognition, and proper educational facilities to Indian students and Indian accountants and auditors trained and qualified in India as far as the same can possibly be given under their Acts, charters, articles, rules, bye-laws, etc It will be admitted that such a demand for reciprocity of treatment is quite fair and reasonable

The second point is this Under the Bill in question, the names of those persons who at present are eligible to act as auditors of companies throughout or any part of British India, will be enrolled on the proposed register of Accountants when it is first opened, and auditors' certificates will be issued to them as laid down in the Bill As to the future, however, it is quite necessary that entrance to the accountancy profession in India should be given only to those who pass the test prescribed by the Governor General in Council, or who have obtained a qualification which has been formally recognised by the Governor General in Council, or who have obtained a qualification which has been formally recognised by the Governor General in Council under the rules to be framed by him as equivalent to the prescribed test Government have, however, been given a hint in the draft scheme which they have prepared and on which they invited public opinion some time ago that the proposed Indian Accountancy Board shall be free to admit any person they like to the profession in future, even though he

may not have passed the prescribed test, or may not have obtained a qualification which is recognised by the Governor General in Council as equivalent to the prescribed test It can be easily understood that such a procedure may lend itself to many undesirable results which may have an adverse effect on the efficiency, status and morale of the accountancy profession in India Moreover, in the interests of the public, it is quite desirable that those whose names will be enrolled on the proposed Register of Accountants should be persons who have passed some recognised professional tests of a high standard which would enable them to discharge their onerous duties as auditors with confidence and in the best interests of the public and their clients Nobody can have a reasonable objection if an aspirant to the profession has passed a test which is publicly recognised in India by the Governor General in Council under the rules to be framed by him What is strongly opposed by the Accountancy profession is that the proposed Indian Accountancy Board should have any unrestricted power in its hands which would leave it free under the patronage of the Governor General in Council to discriminate individually between persons and persons who may desire to enter the profession It is for these reasons that an assurance should be given by the Government on the floor of the House now that under the proposed scheme nothing shall be done which would enable an unqualified person or persons with dubious qualifications to enter the accountancy profession in India by the back door

The third point which is more important is this The proposed scheme under the Bill in question for the regulation of the profession of accountants and auditors in India is only a transitional one, the goal being the establishment in India of a strong autonomous body of accountants and auditors as they have in the United Kingdom, in the British Dominions, in the United States of America and in other European countries The arrangements that are in vogue at present for the training of auditors in India came into existence after the commencement of the Indian Companies Act, 1913, and they were meant to be revised after five years' trial Yet it took approximately fifteen years for the Government of India to do the needful in the matter, and that too in spite of the unanimous report of the External Capital Committee and the persistent demands of the commercial community and the accountancy profession in this direction If the proposed arrangements under the Bill are to be transitional, and if India is to have its own autonomous body of Chartered Accountants and Auditors at an early date, then it is very necessary that after a period of five years' trial, the whole question of regulating the professional of accountants and auditors in India should be re-examined by a representative committee mainly consisting of persons having special knowledge of the profession of public accountants and auditors in India Hence an assurance should be given by the Government on the floor of the House that after a lapse of five years they would appoint a representative committee to review the whole question

So much as regards the representations which I have been asked to press in this House in connection with this matter. Now, I would not like to take much time of the House I have I am afraid already wearied the House by reading long extracts All I need say is that nothing should be done to give preference to any non-Indian society, or to slacken the control of the Indian Accountancy Board on the members of any non-Indian body of professional accountants, for such laxity will prove fatal to the public interest and undermine the authority of the Indian Accountancy Board to enforce discipline on all auditors without discrimination.

5 P M

[Mr Vidya Sagar Pandya]

Then, Sir, under the scheme proposed by Government there is the question of representation of the various provinces on the Indian Accountancy Board I am not quite satisfied with that I hope Government will give due representation to the various provinces Under the scheme Bombay and Bengal get too much representation on the Board Of course we have to realise their importance and take into consideration the number of joint stock companies and other commercial or business concerns that are working in these places But the representation for Madras and especially for Northern India on the Indian Accountancy Board is very scanty

Finally, I will say that the majority of members of the All India Accountancy Board and the Local Boards should be Indians who are not under the thumb of any foreign body of accountants Under the old system of general permission to the members of certain recognised foreign societies, as I had occasion to point out to the Government of Madras, certain undesirable persons, who represented themselves as members of those bodies, were allowed to practise in India Take for instance the legal profession Even if a man has qualified himself as a barrister, he has to enrol himself in the High Court, but there is no such thing in the case of the members of these recognised non-Indian societies, with the result that, in Madras, we came across one or two instances in which certain Europeans passed off as members of the societies and there was no power reserved in the Indian Companies Act to prevent them from practising in India When they were asked to produce the certificates of membership they said they had lost the original certificates, and in spite of their failure to produce credentials, they were allowed to practise, with the result that the bodies in England could not, owing to distance, take any disciplinary action against such persons practising as auditors in India At the same time, Government had not retained any powers in their hands to disqualify them from practising The Government could not take any disciplinary action against these persons simply because they were members of those bodies and they were thus free to practise though it was possible for the Government to take action against the other persons and they did take action against those who were given certificates by the Local Governments In the case of the Members who belong to these non-Indian recognised societies the Government had absolutely no control I hope, in framing the rules, the Government will at least now bear in mind that nothing is done which will give any undue prominence to any members of non-Indian societies who are practising in India With these remarks I once more thank the Honourable Sir George Rainy for his having brought up the Bill for the consideration of the House in the present Session and not sending it for circulation for public opinion

The Honourable Sir George Rainy (Member for Commerce and Railways) I wish to say only two sentences I thank the Honourable Member for what he has said about myself, but the real thanks are due to Sir Charles Innes rather than to me, because it was in his time that most of the spade-work was done The Honourable Member has asked me to give him, on the floor of the House, a number of assurances I am afraid the only assurance I can give him is that everything that he has said will be fully considered at the time when we are framing the rules I cannot do more than that, because I am bound, if the scheme of the Bill is accepted by the House, to act mainly on the advice of the Accountancy Board, and I cannot now give pledges that would tie my hands as regards

the future I have, however, no reason to apprehend that the Accountancy Board will give the Government of India advice which the Honourable Member would not consider to be a good advice

Mr. President: The question is

"That the Bill further to amend the Indian Companies Act, 1913, for certain purposes, as reported by the Select Committee, be taken into consideration"

The motion was adopted

Clause 2 was added to the Bill

Mr. President: The question is

"That clause 3 stand part of the Bill"

Sir Hugh Cocke (Bombay European) Sir, there are two amendments on the paper in connection with this clause, Mr Aney being called away and Mr Vidya Sagar Pandya does not desire to move his amendment

Mr. Vidya Sagar Pandya: May I just interrupt my Honourable friend I had a talk with the Honourable Mr Aney, and he said he would withdraw his amendment, and he would be very glad to allow me to move my amendment, which is more comprehensive I hope my friend, Sir Hugh Cocke, will permit me to move my amendment

***Sir Hugh Cocke:** It is not for me to prevent the Honourable Member, but my amendment is an amendment which has been drawn up in consultation with Government and is supposed to include his I therefore propose, with your permission, Sir, to move it It runs as follows

'For the second proviso to sub clause (*1*) of clause 3, the following be substituted

Provided further that any person who—

(*a*) was entitled immediately before the commencement of this Act by reason of any such certificate or declaration to be appointed and to act as an auditor of companies throughout British India, and (*b*) has at any time, after he became so entitled and before the commencement of this Act, resided in India,

shall, if he possesses such qualifications as to good character and on payment of such fee as may be prescribed under clause (*b*) of sub section (*24*) of section 144 of the Indian Companies Act, 1913, be entitled to be enrolled on the Register of Accountants referred to in that sub-section"

The alteration between the proviso in the Bill, as inserted by the Select Committee, and this proviso is mainly verbal and I do not wish to say any more

Mr. Vidya Sagar Pandya: Sir, we have not got a copy of the amendment moved by Sir Hugh Cocke

(The Honourable Member was supplied with a copy)

Mr. President: Does any Honourable Member wish to speak on this amendment?

(No Honourable Member rose to speak.)

The Honourable Sir George Rainy: I would suggest, Mr President, that if Mr Vidya Sagar Pandya is going to move his amendment, it might be perhaps convenient to have it moved so that we may have one discussion on both the amendments.

Mr. President: I was waiting to see if he would like to move his amendment.

*Speech not revised by the Honourable Member

Mr. Vidya Sagar Pandya: Sir, I beg to move my amendment which runs as follows

"For the second proviso to sub-clause (*1*) of clause 3 the following be substituted

'Provided further that any person residing or practising in India on the date of the commencement of this Act who immediately before such date was entitled to be appointed and to act as an auditor of companies throughout British India or within a province in British India shall, on payment of any fee prescribed under clause (*b*) of sub section (*2A*) of section 144 of the Indian Companies Act, 1913, be eligible for enrolment on the Register of Accountants referred to in that sub-section"

Now, Sir, in pressing my amendment, I have to bring to your notice that a representation has been made on this matter to the Government by the Society of Accountants and Auditors of Bombay I will only read a small portion of it, which pertains to my amendment It runs thus

'It is however felt that the newly inserted proviso is so worded that not only that all those auditors who are already qualified for the profession in India shall be enrolled on the proposed Register of Accountants when it is first opened, but even such persons who at the date of the commencement of the proposed Act cannot be auditors of public limited companies in India but who on some future date may become members of some non Indian bodies of accountants (over which the Indian Legislatures or Government have no control whatever) shall *ipso facto* be entitled to enrolment on the proposed Register of Accountants on the ground that persons of their class were entitled in the past under a declaration made by the Governor General in Council in 1914 to act as auditors of companies throughout British India It is also doubtful whether owing to the present wording of the proposed proviso the name of any miscreant who happens to be a member of a recognised non Indian body of professional accountants can be refused by the proposed Indian Accountancy Board for enrolment on the proposed Register of Accountants in spite of his professional misdemeanour, or owing to any substantial reason in the interests of the public In short, the proviso in question as at present worded is likely to put the members of some non Indian (British and other) bodies of accountants out of the effective control of the Government of India or the proposed Indian Accountancy Board Surely that would amount to the negation of the fundamental principle of the Bill which seeks to bring all auditors under the direct and effective disciplinary control of the Governor General in Council and the proposed Indian Accountancy Board Under the existing provisions of section 144 (*1*) of the Indian Companies Act, 1913, the Governor General in Council is authorised to give, withdraw or withhold recognition, at his discretion to any non Indian institution or association, whereas under the proposed proviso it is sought to establish by the Act itself that all the present and would be members, including even those yet unborn of the six non Indian bodies of accountants that have hitherto been recognised by the Governor General in Council shall have a perpetual statutory right to be enrolled on the Register of Accountants Such an extraordinary step is without any parallel among the legislative measures so far enacted to regulate the accountancy profession in various countries of the world where foreign bodies of accountants are recognised, if at all, only under the rules or bye laws framed under the provisions of the relative Acts or charters In this country too members of institutions or associations of accountants have been recognised so far under the rules framed under the Indian Companies Act, 1913, and it is very desirable in the interests of the public and the profession alike that the same procedure be followed in future whenever necessary It is not at all objected that the members of a reputable non-Indian body of accountants and auditors may have the same privileges in India as the other members of the accountancy profession who are educated and trained in the country itself It however appears from the wording of the proviso as if it is sought to create perpetually a vested interest in the accountancy profession in India for all those who are at present, or who may become even in remote future, members of any of the six recognised British and other bodies of professional accountants The proviso as at present inserted in the Bill is likely to deprive Government and the public in this country of their legitimate right to enforce without any hindrance a high standard of qualification, discipline and conduct on all professional accountants and auditors in India because it purports to enact that members of certain non-Indian bodies of professional accountants and auditors over which Government or the legislatures in this country have no direct control whatever shall always be enrolled *ipso facto* on the proposed Register of Accountants Such an extraordinary provision in the Act is against the ideal of the whole

measure, namely, the creation in India at an early date of an autonomous association of accountants able to assume complete responsibility for the maintenance of the requisite standard of professional qualification, discipline and conduct of its Members' "

Thus, Sir, those persons who at present hold only restricted certificates will go out of it as such, but they should be allowed to enrol on the Register of Accountants just like any other persons at present entitled to act as auditors of companies throughout British India

The Honourable Sir George Rainy: Sir, I should like to explain as regards the amendment moved by my Honourable friend Sir Hugh Cocke, that, after the submission of the Report of the Select Committee, Mr. Aney, Sir Hugh Cocke and the Society of Accountants which has been mentioned, drew the attention of the Government to the fact that this new proviso to sub-clause (*1*) of clause 3 of the Bill did not fully carry out its object and that there were certain defects in it In particular it was pointed out that there was a possible interpretation of the proviso by which any one who might in future become a member of one of the institutions and associations now notified would be entitled to enrolment in the Register of Accountants That was not at all our intention, and as soon as we realised that that was so, we agreed that steps must be taken to put it right

The second point is the one mentioned by my Honourable friend, Mr Vidya Sagar Pandya, namely, that, under the proviso as it stands in the Bill, and as submitted by the Select Committee, a person who held an unrestricted certificate, or who was a member of one of the notified institutions, would be entitled to enrolment on the register, even though he might be considered undesirable on account of his past record, for definite reasons In that respect also it was thought that steps should be taken to put the matter right

In the third place, a member of a notified institution would be entitled, under the proviso as it stands, to enrolment, even though he had never been in India at all and that obviously is not the intention of Government We believe that the proviso, as it has been drafted in the amendment of Sir Hugh Cocke, puts these three matters right, and in so far as it does so, I have no doubt that it will have the support of my Honourable friend Mr Vidya Sagar Pandya But in two respects he goes further I am not quite clear that I understand fully his reasons for one of the changes Whereas the Select Committee said, "shall be entitled to be enrolled" the words used in his amendment are "shall be eligible for enrolment" I do not know whether anything particular depends upon them, but I have no doubt in my own mind myself that, after a great deal of discussion in the Select Committee, the phrase "entitled to be enrolled" was adopted for definite reasons Finally the difference between Mr Pandya's amendment and the amendment of Sir Hugh Cocke is this, that Mr Pandya wishes that there should be included a provision in the Bill by which those auditors who hold only restricted certificates, that is who can only practise in a particular province and not throughout India, should be eligible for enrolment on the register and for the grant of certificates which would be in force throughout India I am afraid the Government of India cannot accept that amendment, because the reason why these men hold only restricted certificates at present is that they are not considered to possess the qualifications which, if they are to practise throughout India, they should possess They will not be debarred from practising altogether,

Mr. Vidya Sagar Pandya: In the scheme which the Government circulated for opinion, it was suggested that all those persons who hold restricted auditors' certificates have their certificates made permanent instead of being renewed periodically.

The Honourable Sir George Rainy: The matter was very fully considered and the decision we arrived at was that, under the Bill, it will be possible to make arrangements for each of the men who hold restricted certificates to continue the work as auditor in the province for which he holds the certificate We came definitely to the conclusion that it was not right that he should be enrolled in the Register and then granted a certificate which would enable him to practise throughout British India I am afraid that, on that point, I cannot agree with my Honourable friend It is for that reason mainly that, while I am quite ready to accept the amendment of my Honourable friend Sir Hugh Cocke, I am afraid I cannot accept the amendment moved by Mr Vidya Sagar Pandya

Mr. Vidya Sagar Pandya: May I read that portion of the Government statement in the matter which is relevant to the discussion?

Mr. President: Order, order The Honourable Member has no right of reply

Mr. Vidya Sagar Pandya: Only to correct the Honourable Member in what he has said

Mr. President: The Honourable Member does not need any correction.

The question is

"That for the second proviso to sub clause (*1*) of clause 3 the following be substituted

"Provided further that any person residing or practising in India on the date of the commencement of this Act who immediately before such date was entitled to be appointed and to act as an auditor of companies throughout British India or within a province in British India shall, on payment of any fee prescribed under clause (*b*) of sub section (*2A*) of section 144 of the Indian Companies Act, 1913, be eligible for enrolment on the Register of Accountants referred to in that sub section"

The motion was negatived

Mr. President: The question is:

"That for the second proviso to sub clause (*1*) of clause 3 the following be substituted

'Provided further that any person who—

(*a*) was entitled immediately before the commencement of this Act by reason of any such certificate or declaration to be appointed and to act as an auditor of companies throughout British India, and (*b*) has at any time, after he became so entitled and before the commencement of this Act, resided in India,

shall, if he possesses such qualifications as to good character and on payment of such fee as may be prescribed under clause (*b*) of sub section (*2A*) of section 144 of the Indian Companies Act, 1913, be entitled to be enrolled on the Register of Accountants referred to in that sub-section'"

The motion was adopted.

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 Sir George Rainy: Sir, I beg to move that the Bill, as amended, be passed

Mr. Fazal Ibrahim Rahimtulla (Bombay Central Division: Muhammadan Rural) Sir, I would like to say a few words even at this late hour. I might inform the Honourable the Commerce Member .

Mr. President: Do

Mr. Fazal Ibrahim Rahimtulla: that when he considers the question of the reconstitution of the Board after nomination, he will consider the question of giving representation to the Bombay Shareholders Association I had drawn the attention of the Honourable the Commerce Member to this point at the meeting of the Select Committee and now that the Bill is about to be passed, I wish to put it on record that, when Government, after the fixed period to which the Select Committee has agreed, constitute on an elective basis, a certain Central Local Advisory Board, he will consider the question of giving representation to the Bombay Shareholders Association. That is a body which has taken a very keen interest in this question, and I think, Sir, representation to that body would prove useful even from the point of view of Government We want independent critics, and those who have made a special study Both these tests will be adequately filled if my suggestion is accepted

The Honourable Sir George Rainy: I will certainly consider that fully. The facts are not present to my mind at the moment and therefore I cannot say more than that

Mr. President: The question is

"That the Bill, as amended, be passed"

The motion was adopted

THE INDIAN INCOME-TAX (AMENDMENT) BILL

(AMENDMENT OF SECTIONS 2, 23, ETC.)

The Honourable Sir George Schuster (Finance Member) Sir, I beg to move

"That the amendment made by the Council of State in the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes (Amendment of sections 2, 23, etc) be taken into consideration"

Sir, the amendment made by the Council of State is on a purely technical matter A certain confusion arose because we had two Bills dealing with the subject of income-tax, both of which set out to amend section 66 of the Indian Income-tax Act, and as the two Bills were originally drafted, the amendments were not mutually conflicting But in the course of the passage of one of the Bills in this Assembly a slight amendment was made in the amending section, and that made one of the sections inconsistent with the other That error has now been put right in the Council of State and that is the amendment to which reference is made in my motion Sir, I move.

Mr. President: I shall read the amendment made in the Council of State

For clause 11 of the Bill the following clause was substituted, namely

1 In sub-section (2) of section 66 of the said Act,—

(a) after the word and figures "section 32", the words and figures "or of a decision by a Board of Referees under section 33A" shall be inserted, and

(b) after the words "order" in the second and third places where it occurs, the words "or decision" shall be inserted' "

The question is that that amendment be adopted

The motion was adopted

THE INDIAN INCOME-TAX (AMENDMENT) BILL

(AMENDMENT OF SECTIONS 14, 25A, ETC)

The Honourable Sir George Schuster (Finance Member) Sir, I beg to move

"That the amendment made by the Council of State in the Bill further to amend he Indian Income Tax Act, 1922, for certain purposes (Amendment of sections 14, 25A, tc) be taken into consideration "

The amendment in this case consisted simply in inserting the word Second" in the title before the word "Amendment" so as to distinguish his Bill from the Bill dealt with in the preceding motion

Mr. President: I will read the amendment made by the Council of tate

"In clause 1 of the Bill, for the brackets and word '(Amendment)' the brackets and ords '(Second Amendment)' were substituted "

The question is that that amendment be adopted

The motion was adopted

THE TRANSFER OF PROPERTY (AMENDMENT) SUPPLE MENTARY BILL

The Honourable Sir Brojendra Mitter (Law Member) Sir, I beg to ove that the Bill to amend the Transfer of Property (Amendment) Supple- entary Act, 1929, for a certain purpose, as passed by the Council of tate, be taken into consideration

The Bill is designed to rectify an inadvertent error and an inadvertent mission in the Transfer of Property Supplementary Act of 1929, which ere not discovered when that measure was before the Legislature in 929 The Statement of Objects and Reasons explains the error and the mission

Sir, I move

The motion was adopted

Clause 2 was added to the Bill

Clause 1 was added to the Bill

The Title and Preamble were added to the Bill

The Honourable Sir Brojendra Mitter: Sir, I move that the Bill, as assed by the Council of State, be passed.

The motion was adopted

Sir Frank Noyce (Secretary, Department of Education, Health and Lands) Sir, I beg to move that the Bill to amend the Destructive Insects and Pests Act, 1914, for a certain purpose, as passed by the Council of State, be taken into consideration

The necessity for this measure is very fully explained in the Statement of Objects and Reasons and it is unnecessary for me to say more than a very few words. At the time the Destructive Insects and Pests Act, 1914, was passed, the possibility that pests might be introduced into this country by air was naturally not foreseen The introduction of a regular Air Mail Service has however made this possibility a very real one and in these circumstances it is necessary to close this gap in our defences. The pest that we have particularly in mind is the Mediterranean fruit-fly, which exists not only along the coasts of the Mediterranean, but also in Australia. So India is exposed to attack from two quarters What it would mean if this pest were once introduced into this country can be illustrated by the experience of the United States of America The pest has recently been found in Florida, and Congress has had to authorise the expenditure of a sum of no less than 2¼ crores of rupees in efforts to eradicate it Prevention is obviously better than cure, and it is for that reason that this measure has been brought forward

Sir, I move.

The motion was adopted

Clause 2 was added to the Bill

Clause 1 was added to the Bill

The Title and Preamble were added to the Bill

Sir Frank Noyce: Sir, I beg to move that the Bill, as passed by the Council of State, be passed

The motion was adopted

RESOLUTION *RE* PREVENTION OF INDUSTRIAL ACCIDENTS.

Mr. President: I understand the next Resolution standing in the name of the Honourable the Leader of the House will be moved and then he will agree to postpone its further discussion till the next Session

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour) If there is any desire to that effect, I am quite willing to do so.

Mr. President: The Honourable Member knows that such a desire cannot be expressed by any one under the conditions in which we are placed For instance Members like Diwan Chaman Lall and others, who take an interest in it, are not present, and I would suggest to the Honourable Member whether he should merely move his Resolution and then postpone it, so that other Honourable Members may have a chance of giving their views at the next Session

The Honourable Sir Bhupendra Nath Mitra: I am quite willing to accept that suggestion But this Resolution was drawn up in consultation with the Standing Advisory Committee on which there is at least one representative of labour. If you will kindly read the Resolution, you will find that it contains a provision that certain things should be done and the matter again brought before the House within 18 months The more we postpone the passing of the Resolution, the greater will be the delay in taking that action That is my only point If anybody had stood up and said that he wanted this discussion to be postponed, I would immediately agree to that Otherwise Government may be accused of simply postponing the taking of any action

Mr. President: But Government are postponing it at the suggestion of the Chair.

The Honourable Sir Bhupendra Nath Mitra: If the specific suggestion comes from you, I would not oppose it, because in that case no responsibility would rest with Government Shall I move it now?

Mr. President: Yes, formally

The Honourable Sir Bhupendra Nath Mitra: Sir I beg to move the following Resolution:

"This Assembly, having considered the Recommendation concerning the prevention of industrial accidents and the Recommendation concerning responsibility for the protection of power-driven machinery adopted at the Twelfth Session of the International Labour Conference, recommends to the Governor General in Council that he should examine the possibility of giving effect to the Recommendation concerning the prevention of industrial accidents and that the results of this examination should be placed before this Assembly within eighteen months from this date"

Sir, the Twelfth Session of the International Labour Conference which was held at Geneva in May-June, 1929, adopted *inter alia* the following recommendations:

"(1) Recommendation concerning the prevention of industrial accidents

(2) Recommendation concerning responsibility for the protection of power driven machinery"

The full text of these recommendations is contained in a White Paper which was circulated among Members of the Legislative Assembly a few days ago The Recommendation concerning the prevention of industrial accidents covers a very wide field It is intended to be applicable, not only to mines and industries involving manufacture, but also to agriculture and to all forms of transport Certain parts of the Recommendation are not entirely suitable to Indian conditions, and they postulate a degree of organisation and education which Indian workers do not at present possess Some parts of the Recommendation are in accordance with existing legislation, and certain other parts can be given effect to in India without further legislation, but fresh legislation will be necessary if the Recommendation as a whole is to be adopted The Government of India intend to consult the Provincial Governments in regard to the possibility of giving effect to the Recommendation as a whole, and to place the result of this examination before this Assembly within 18 months from the date on which this Resolution is adopted by the House.

The second Recommendation, namely, that concerning responsibility for the protection of power-driven machinery, requires that it should be prohibited by law to supply or instal any machine intended to be driven by mechanical power, unless it is furnished with the safety appliances required by law for the protection of machines of that type. There are two main difficulties in India in the way of giving effect in full to the principle embodied in this Recommendation. Firstly, because the bulk of the machinery in use in India is imported machinery and it would be impracticable to enact Indian legislation imposing a penalty on a foreign supplier resident abroad. Secondly, many of the safety regulations relating to machinery are framed by Local Governments under the Indian Factories Act and vary to some extent from province to province. Thus, imported machinery, which would comply with the regulations of one province, may be contrary to the regulations of another province. As far as the employer himself is concerned, the occupier or manager of a factory who does not satisfy regulations imposed in respect of machinery installed in his factory is already liable to a penalty under the existing law. It does not therefore appear that any useful purpose would be served in India by the adoption of this Recommendation Sir, I move:

Mr. President: The Resolution moved is.

"This Assembly, having considered the Recommendation concerning the prevention of industrial accidents and the Recommendation concerning responsibility for the protection of power-driven machinery adopted at the Twelfth Session of the International Labour Conference, recommends to the Governor General in Council that he should examine the possibility of giving effect to the Recommendation concerning the prevention of industrial accidents and that the results of this examination should be placed before this Assembly within eighteen months from this date"

Sir Cowasji Jehangir (Bombay City. Non Muhammadan Urban): I understand that the further discussion of this is to be adjourned. I move formally that the further discussion on this Resolution be postponed till the next Session

The motion was adopted.

AMENDMENT OF STANDING ORDERS.

The Honourable Sir Brojendra Mitter (Law Member): Sir, I beg to move: . . . . .

Mr. Jehangir K. Munshi: Sir, may I draw your attention to the fact that there is no quorum?

Mr. President: More than a quorum, I am afraid Perhaps the mathematics of the Honourable Member are very very defective There is a quorum for two Houses

The Honourable Sir Brojendra Mitter: Sir, I beg to move·

"That the amendment to the Standing Orders, as reported by the Select Committee, be taken into consideration."

[Sir Brojendra Mitter]

Sir, the object of the amendment is to make it possible for more than one Select Committee to sit at the same time and is fully explained in the Report Sir, I move

The motion was adopted

The Honourable Sir Brojendra Mitter: Sir, I beg to move·

"That the amendment to the Standing Orders, as reported by the Select Committee, be passed"

The motion was adopted

REPORT OF THE PUBLIC ACCOUNTS COMMITTEE

The Honourable Sir George Schuster (Finance Member) Sir, I beg to move

"That the Report of the Public Accounts Committee on the accounts of 1927 28 be taken into consideration"

Sir, this is a subject in which this Assembly has taken a good deal of interest in the past and I think it is regrettable that there should be such a small attendance now when it is put down for discussion

Mr. President: There is Sir Cowasji Jehangir, who will move an adjournment

The Honourable Sir George Schuster: I shall be very pleased to accept that motion

Sir Cowasji Jehangir (Bombay City Non-Muhammadan Urban) I beg to move that the consideration of this subject be postponed to the next Session

The motion was adopted

DEMANDS FOR EXCESS GRANTS FOR 1927-28

GENERAL ADMINISTRATION—MISCELLANEOUS.

The Honourable Sir George Schuster (Finance Member) I beg to move

"That an excess grant of Rs 231 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1927 28 in respect of 'General Administration—Miscellaneous'"

The motion was adopted.

ADMINISTRATION OF JUSTICE.

The Honourable Sir George Schuster: I beg to move:

"That an excess grant of Rs 9 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1927 28 in respect of 'Administration of Justice'"

The motion was adopted.

MISCELLANEOUS ADJUSTMENTS BETWEEN CENTRAL AND PROVINCIAL GOVERNMENTS.

The Honourable Sir George Schuster: I beg to move.

"That an excess grant of Rs 3,431 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1927-28 in respect of 'Miscellaneous Adjustments between Central and Provincial Governments' "

The motion was adopted

REFUNDS.

The Honourable Sir George Schuster. I beg to move

"That an excess grant of Rs 1,57,481 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1927 28 in respect of 'Refunds' "

The motion was adopted

COMMUTED VALUE OF PENSIONS.

The Honourable Sir George Schuster: I beg to move.

"That an excess grant of Rs 1,06,529 be voted by the Assembly to regularise the expenditure chargeable to Capital actually incurred in excess of the voted grant in the year 1927 28 in respect of 'Commuted Value of Pensions' "

The motion was adopted

LOANS AND ADVANCES BEARING INTEREST.

The Honourable Sir George Schuster: I beg to move.

"That an excess grant of Rs 6,12,971 be voted by the Assembly to regularise the expenditure actually incurred in excess of the voted grant in the year 1927 28 in respect of 'Loans and Advances bearing interest' "

The motion was adopted

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

The Honourable Sir George Schuster: I beg to move·

"That an excess grant of Rs 8 08,768 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1927-28 in respect of 'Indian Posts and Telegraphs Department'."

The motion was adopted.

RAILWAYS.

WORKING EXPENSES—ADMINISTRATION.

The Honourable Sir George Schuster: I beg to move:

"That an excess grant of Rs 20,93,000 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1927-28 in respect of 'Working Expenses—Administration'."

The motion was adopted.

APPROPRIATION FROM DEPRECIATION FUND.

The Honourable Sir George Schuster. I beg to move:

"That an excess grant of Rs 75,11,000 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1927-28 in respect of 'Appropriation from Depreciation Fund' "

The motion was adopted

REVENUE—STRATEGIC LINES

The Honourable Sir George Schuster: I beg to move.

"That an excess grant of Rs 1,38,000 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1927-28 in respect of 'Strategic Lines' "

The motion was adopted.

NEW CONSTRUCTIONS.

The Honourable Sir George Schuster: I beg to move.

"That an excess grant of Rs 1,44,80,000 be voted by the Assembly to regularise the railway expenditure chargeable to Capital actually incurred in excess of the voted grant in the year 1927-28 in respect of 'New Constructions' "

The motion was adopted

OPEN LINE WORKS.

The Honourable Sir George Schuster: I beg to move:

"That an excess grant of Rs 53,45,000 be voted by the Assembly to regularise the railway expenditure chargeable to Capital actually incurred in excess of the voted grant in the year 1927 28 in respect of 'Open Line Works' "

The motion was adopted

CAPITAL—STRATEGIC LINES.

The Honourable Sir George Schuster: I beg to move:

"That an excess grant of Rs. 50,000 be voted by the Assembly to regularise the railway expenditure chargeable to Capital actually incurred in excess of the voted grant in the year 1927-28 in respect of 'Strategic Lines' "

The motion was adopted

Mr. President: Does the Honourable the Finance Member want any more grants?

The Honourable Sir George Schuster: No, Sir

Mr. President: Has the Honourable the Leader of the House any more Government business to carry out?

The Honourable Sir Bhupendra Nath Mitra: No, Sir.

Mr. President: The time has come when I should adjourn the House *sine die*. Before I do so, I should like to shake hands with each Honourable Member of this House We do not know whether the next Session will be held or not, and even if it is held, we do not know how many of us will be here Therefore I should like Honourable Members, one by one, to come and shake hands with me

(Mr President shook hands with all the Members present.)

The Assembly then adjourned *sine die*.

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(OFFICIAL REPORT)

VOLUME IV, 1930

(7th July to 18th July, 1930)

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OF THE

THIRD LEGISLATIVE ASSEMBLY

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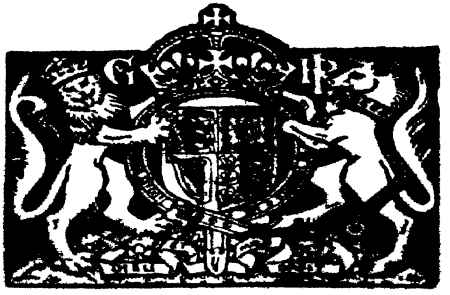
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1930

Legislative Assembly.

President.

THE HONOURABLE MAULVI MUHAMMAD YAKUB

Deputy President.

SIR HARI SINGH GOUR, KT, M L A

Panel of Chairmen.

MR. M A JINNAH, M L A

MR M R JAYAKAR, M L A

SIR HUGH COCKE, KT, M L A

NAWAB SIR SAHIBZADA ABDUL QAIYUM, K C I E, M.L

Secretary.

MR S C GUPTA, BAR-AT-LAW

Assistant of the Secretary.

RAI SAHIB D. DUTT

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LEGISLATIVE ASSEMBLY DEBATES

MONDAY, 7th JULY, 1930

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THE

LEGISLATIVE ASSEMBLY DEBATES

(OFFICIAL REPORT OF THE SEVENTH SESSION OF THE THIRD LEGISLATIVE ASSEMBLY)

VOLUME IV—1930

LEGISLATIVE ASSEMBLY

Monday, 7th July, 1930

The Assembly met in the Assembly Chamber in Simla at Eleven of the Clock being the first day of the Seventh Session of the Third Legislative Assembly pursuant to S 63-D (2) of the Government of India Act Mr Deputy President (Maulvi Muhammad Yakub) was in the Chair

MEMBERS SWORN

The Honourable Sir Joseph William Bhore, K C I E, C B E (Member for Industries and Labour), Mr Naranaswami Ayyar Natesa Ayyar, M L A (Madura and Ramnad *cum* Tinnevelly Non-Muhammadan Rural), Mr Gogineni Ranganayakulu M L A (East Godavari and West Godavari *cum* Kistna Non-Muhammadan Rural), Khan Bahadur Ardeshir Hormusjee Mama, M L A (Sind Non-Muhammadan Rural), Rao Bahadur Dongarsing Ramji Patil, M L A (Bombay Central Division Non-Muhammadan Rural), Mr Eric Studd, M L A (Bengal European), Mr L C Buss, M L A (Bengal European), Mr Badri Naram, M L A (Cities of the United Provinces Non-Muhammadan Urban), Mr Budh Perkash M L A (Meerut Division Non-Muhammadan Rural), Mr Raghuber Singh, M L A (Agra Division Non-Muhammadan Rural), Mr L Narendra Pratap Sahi, M L A (Fyzabad Division Non-Muhammadan Rural), Rai Bahadur Lala Panna Lal, M L A (Ambala Division Non-Muhammadan), Pandit Chuni Lal, M L A (Jullundur Division Non-Muhammadan), Dr Nand Lal, M L A (West Punjab Non-Muhammadan), Mr Bishwa Nath Misra, M L A (Orissa Division Non-Muhammadan), Sardar Jayawantsinhji Ranmalsinhji, M L A (Bombay Northern Division Non-Muhammadan Rural), U Dwe, M L A (Burma Non-European), Rao Sahib Baburao Ramji, M L A (Berar Representative), Mr. Girja Shankar Bajpai, C I E, C B E, M L A (Government of India Nominated Official), Mr Hubert Arthur Sams, C I E, M L A (Director General of Posts and Telegraphs), Mr Tin Tüt, M L A (Department of Industries and Labour Nominated Official), Mr. Rama Shankar Bajpai, O B E, M.L.A. (Director of Public Information), Mr James Carlyle

Stodart, M L A (Madras Nominated Official), Mr Alfred Charles Turner, M B E, M L A (United Provinces Nominated Official), Mr A Appadurai Pillai, M L A (Madras Nominated Official), Mr Abdullahmia Oosmanmia Koreishi, M L A (Bombay Nominated Official), and Mr Guru Saday Dutt, M L A (Bengal Nominated Official)

GOVERNOR GENERAL'S ASSENT TO BILLS

Mr Deputy President: I have to inform Honourable Members that the following Bills, which were passed by both Chambers of the Indian Legislature, have been assented to by His Excellency the Governor General under the provisions of sub-section (1) of section 68 of the Government of India Act

1 The Provident Funds (Amendment) Act, 1929

2 The Dangerous Drugs Act, 1930

3 The Indian Sale of Goods Act 1930

4 The Indian Contract (Amendment) Act 1930

5 The Transfer of Property (Amendment) Act, 1930

6 The Prisons (Amendment) Act, 1930

7 The Indian Patents and Designs (Amendment) Act, 1930

8 The Repealing and Amending Act, 1930

9 The Cantonments (House-Accommodation Amendment) Act, 1930

10 The Insolvency Law (Amendment) Act, 1930

11 The Indian Tariff (Amendment) Act, 1930

12 The Steel Industry (Protection) Act, 1930

13 The Inland Steam-Vessels (Amendment) Act, 1930

14 The Indian Railways (Amendment) Act, 1930

15 The Indian Finance Act, 1930

16 The Transfer of Property (Amendment) Supplementary Act, 1930

17 The Cotton Textile Industry (Protection) Act, 1930

18 The Silver (Excise Duty) Act, 1930

19 The Indian Companies (Amendment) Act, 1930

20 The Destructive Insects and Pests (Amendment) Act, 1930.

21 The Indian Income-tax (Amendment) Act, 1930

22 The Indian Income-tax (Second Amendment) Act, 1930.

23 The Indian Income-tax (Third Amendment) Act, 1930

STATEMENT LAID ON THE TABLE

INTRODUCTION OF AN ELECTIVE ELEMENT INTO THE PESHAWAR MUNICIPAL COMMITTEE

Sir Frank Noyce (Secretary, Department of Education, Health and Lands) Sir, I lay on the table the information promised in reply to starred question No 511 asked by Maulvi Muhammad Yakub on the 12th March, 1930, regarding the introduction of an elective element into the Peshawar Municipal Committee

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(*a*) (*i*) Yes

(*ii*) No The Extra Assistant Commissioner, who was appointed, resides in the suburbs of the city of Peshawar and is fully cognizant of the conditions in that city

(*iii*) No

(*iv*) The majority of the inhabitants refused to give any reliable information regarding their financial status, as they were afraid that the information might be used in connection with the assessment of income-tax Considerable difficulty was therefore, experienced in preparing electoral rolls When the rolls were published for inviting objections, the general public showed no disposition either to apply for registration or to point out inaccuracies and omissions until the period which was allowed for submission of objections had almost expired Applications were then received that the period for receiving objections should be extended and that the entire programme of elections should be altered The rules, however did not permit of the period being extended and the request had, therefore, to be refused

(*v*) There is no record of any such applications having been sanctioned

(*b*) Does not arise

THE INDIAN LAC CESS BILL

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE

The Honourable Sir George Rainy (Member for Commerce and Railways) Sir, I present the Report of the Select Committee on the Bill to provide for the creation of a fund for the improvement and development of the cultivation, manufacture and marketing of Indian lac

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THE NEGOTIABLE INSTRUMENTS (SECOND AMENDMENT) BILL

The Honourable Sir George Schuster (Finance Member) I beg to move that the Bill further to amend the Negotiable Instruments Act, 1881, for a certain purpose, be referred to a Select Committee consisting of the Honourable the Deputy President, Sir Cowasji Jehangir, Mr B Das, Mr Fazal Ibrahim Rahimtulla, Mr Kikabhai Premchand, Mr W Alexander, Mr H Shankar Rau Mr A H Ghuznavi, and the Mover, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be four

Mr Deputy President Motion moved

"That the Bill further to amend the Negotiable Instruments Act, 1881, for a certain purpose, be referred to a Select Committee consisting of Maulvi Muhammad Yakub, Sir Cowasji Jehangir, Mr B Das, Mr Fazal Ibrahim Rahimtulla, Mr Kikabhai Premchand, Mr W Alexander, Mr H Shankar Rau, Mr A H Ghuznavi, and the Mover, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be four"

(After a pause)

The question is

"That the Bill further to amend the Negotiable Instruments Act, 1881, for a certain purpose, be referred to a Select Committee consisting of Maulvi Muhammad Yakub, Sir Cowasji Jehangir, Mr B Das, Mr Fazal Ibrahim Rahimtulla, Mr Kikabhai Premchand, Mr W Alexander, Mr H Shankar Rau, Mr A H Ghuznavi, and the Mover, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be four"

As many as are of that opinion will say "Aye"

Dr Ziauddin Ahmad (United Provinces Southern Divisions Muhammadan Rural) On a point of order, Sir

Mr Deputy President But the Honourable Member did not rise in his seat when the motion was moved

Dr Ziauddin Ahmad But I wanted to move a point of order

Mr Deputy President When the question is being put how can the Honourable Member rise to a point of order ?

The motion was adopted

THE INDIAN FOREST (AMENDMENT) BILL

Mr G S Bajpai (Government of India Nominated Official) I beg to move for leave to introduce a Bill to amend the Indian Forest Act 1927, for a certain purpose

Mr Deputy President The question is

"That leave be given to introduce a Bill to amend the Indian Forest Act, 1927, for a certain purpose"

The motion was adopted

Mr G S Bajpai I introduce the Bill

Sir Hari Singh Gour (Central Provinces Hindi Divisions Non-Muhammadan) What is "kuth" ?

Mr G S Bajpai It is a root

THE INDIAN TELEGRAPH (AMENDMENT) BILL

The Honourable Sir Joseph Bhore (Member for Industries and Labour) I beg to move for leave to introduce a Bill further to amend the Indian Telegraph Act, 1885, for a certain purpose

The motion was adopted

The Honourable Sir Joseph Bhore I introduce the Bill

THE BOMBAY CIVIL COURTS (AMENDMENT) BILL

The Honourable Mr H G Haig (Home Member) I beg to move for leave to introduce a Bill further to amend the Bombay Civil Courts Act, 1869, for a certain purpose

The motion was adopted

The Honourable Mr H G Haig I introduce the Bill

DEMANDS FOR SUPPLEMENTARY GRANTS

Home Department

The Honourable Sir George Schuster (Finance Member) I beg to move

"That a supplementary sum not exceeding Rs 32,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March 1931, in respect of 'Home Department'"

Dr Ziauddin Ahmad (United Provinces Southern Divisions Muhammadan Rural) I sent a token cut in connection with this motion, but unfortunately it was not delivered and now I have to speak on the motion In the first place I object to the words "Reforms Department" here, because I have got in my mind one definition of reform and my interpretation of reform is this, that the powers now vested in the Secretary of State may be transferred to the Government of India, and the powers now vested in the Government of India may be transferred to the Legislative Assembly If a thing of this kind happens, then I will call it a reform but if one simply changes the organisation without definitely transferring power either from the Secretary of State to the Government of India or from the Government of India to the Legislative Assembly then I do not call it a reform The office dealing with changes in organisation cannot be called a Reforms Office So, I object to the words "Reforms Office" it would be better to call it "Transform Office" because the Simon Commission has not recommended any reform which this office deals with The office interests itself in the transformation and not the reformation of the machinery of Government

There is a second point to which I would like to draw attention and that is this The Honourable the Home Secretary now the Home Member definitely promised to a deputation that he would look after the interests of the Muhammadans in the Secretariat appointments, and we at least thought at that time that the promises

Mr Deputy President Questions of policy cannot be discussed on a supplementary grant

Dr Ziauddin Ahmad I want to oppose it

Mr Deputy President But this is a question of policy which the Honourable Member wants to discuss

Dr Ziauddin Ahmad The thing is this I wanted simply to draw attention, but if it be out of order I withdraw it I wanted to draw attention to the fact that, in this new Department the Home Secretary has entirely ignored the claims of Muhammadans not only this, but the appointments have gone to the members of the same family But if you think that I am out of order in raising this question at this stage, then I resume my seat

Mr Gaya Prasad Singh (Muzaffarpur *cum* Champaran Non-Muhammadan) Sir, I should like to say just one word This Demand is at least partly connected with the Report of the Indian Statutory Commission Those of us who boycotted the Simon Commission voted against this Demand in the Standing Finance Committee and we wanted our protest to be recorded, which has been done But is the issue raised now will be covered substantially on a Demand which is coming up later on, I do not want to raise a debate on this occasion, but we on this side of the House would reserve our comments or protest till then That is all I wish to say just now

Mr M K Acharya (South Arcot *cum* Chingleput Non-Muhammadan Rural) Before the House disposes of the motion before us, I should like to know what exactly is going to be the work of this Reforms Office I do not believe I shall go into the terminological diversions to which my Honourable friend referred It is not very material whether you call it a "Reforms Office" or a "Transform Office" Whether it is a Reforms Office or a Transform Office, or Deform Office, or whatever else it may be, the fact is there, that there is going to be some office of this kind I do not like to give out the secrets of the Standing Finance Committee, as my Honourable friend, Mr Gaya Prasad Singh, tried to do, but I certainly think that there is nothing wrong in saying that we must have as much information as possible as to the work that this office is going to do before we give our sanction to the money that is asked for I believe this would be a very legitimate request to make I do not believe that my Honourable friend was right there when he said that this grant is going to be applied in connection with the Simon Commission's Report or any thing of that kind As I understand, this Reforms Office would deal practically with the ministerial work in connection with all papers bearing on the general subject of reforms Some of my own schemes have been sent up to that office, or to some office in connection with the Home Department, and I believe I got an acknowledgment of them by somebody calling himself an officer of the Reforms Office So I take it for granted that all schemes and papers connected with the coming reforms are being dealt with there, but I admit it is not for me to guess It is for the Government to place before us all the facts We have a right to demand what exactly this office is going to do and I think the information ought to have been given It is the duty of the Government to place before the House all the available facts relating to the work that this office has been doing till now and to what work it will do in the near future We want to know whether this office will serve the purpose for which I hope it has been created I think we want more information if we are expected to give an intelligent vote on the motion before the House

Mr Amar Nath Dutt (Burdwan Division Non-Muhammadan Rural) Sir, I do not share the opinion of the Honourable Member who preceded me With the Report of the Simon Commission that we have in hand, and especially the second volume, I think it would have been better for the Government not to press for a supplementary grant We know that ours is a voice crying in the wilderness We know that whatever advice we may give to Government, they will not be guided by our advice, even if that advice be the best under the circumstances possible, but we have also a duty to the taxpayers of our country and however insignificant the sum may appear to the Government who deal in crores, this sum of Rs 32,000 is certainly not an insignificant amount for the vast

starving millions of the people of India After the publication of the second volume of the Simon Report, it were well for the Honourable the Home Member if he had seen his way to set fire to all that related to the reforms inquiry and the Reforms Office and thereby save India this sum of Rs 32,000 There is no need of further reforms if you, in the name of reforms persist in the way in which you have been persisting You come before us with grandiloquent phrases about Dominion Status and Federal States Formerly, those phrases were " Colonial form of government " and the like But you have not read the unmistakable signs of the times If you still harp on the reforms, you may as well go back to the constitution of the good old days of the East India Company and say, " Let us have a company of traders who traded in India and tried to exploit India as far as possible " You might even instal a puppet Moghul Emperor on the throne of Delhi, and by showing him all outward semblance of respect, as you did, occupy the whole country and administer it according to your sweet will and desire But do not speak of reforms Your history has been one of broken pledges The country is sick of it There is hardly any left in the country who has any faith in you You know all these things, and knowing them as you do, you still persist in your own career for you want to have the loaves and fishes of the service—steel frame as they call it—for your children, your children's children, for centuries to come, if possible You want to have a market for your manufactured cloth in order to feed the labourer of your country. In all these you have not got a programme for the labourers of this unhappy land who feed you and clothe you Then take off your mask, if you are going to rule this country for your own interests and say, " We shall rule you with Ordinances and with martial law "

Mr Arthur Moore (Bengal European) Is the Honourable Member in order in asking you to take off your mask ? (Laughter)

Mr Deputy President Mr Amar Nath Dutt

Mr Amar Nath Dutt The Honourable Member is one of those whom I am addressing He styles himself a " Statesman and Friend of India " We all know what kind of friend he is Shall I not be justified if I ask him to take off his mask and style himself " commander and exploiter of India " ? As I was submitting before the House, you can very well relieve the Indian taxpayer of this sum of Rs 32,000 by burning all the papers which you have in the Reforms Office If you require a small match stick to light the heaps of rubbish in the Reforms Office, the Indian taxpayer will gladly offer it It is a shameless exposition of the present methods of Government which still, in the face of the unanimous opposition to the recommendations of the Simon Commission, comes before us and says, " We have still to continue the Reforms Office and you are to grant money " We on our part are certainly not going to grant it We are going to refuse it, although we know that you, with your official majority, and the majority which you are now commanding as a result of the policy, which you have been pursuing and which has taken away from this Assembly all that is best in India, will carry your view But there is a higher tribunal

Mr Muhammad Yamin Khan (United Provinces : Nominated Non-Official) Sir, is it Parliamentary to say that the Government have driven away all that is best in India ?

Mr. Deputy President There is nothing wrong.

Mr Amar Nath Dutt As I was submitting, you may be able to carry this motion but that will not be with the help of the vote of the representatives of the people of India We are not going to be a party to any such thing The Honourable the Home Member comes as a stranger to us (*Voices* "No, no") He may not be a stranger to some of us, but he is a stranger at least to me He was in the other House so long He has now chosen to come to us I wish he could see his way to accept our suggestion not to press for this supplementary grant Even the warm heart of Sir George Schuster, when confronted with the prayers and supplications and, shall I say orders, of a colleague who happens at the present moment to rule this vast continent may give way We told the Honourable the Finance Member that we could not be a party to this and he was pleased to have it on record in the minutes of the Standing Finance Committee that there were people who did not approve of this expenditure Probably, the Honourable Mr Haig is unaware of these facts I once more appeal to him to withdraw this motion

The Honourable Mr. H G Haig (Home Member) . Sir, perhaps I may be permitted to make a few remarks in explanation of the Supplementary Demand I think it must be within the knowledge of Honourable Members that for some considerable time past, we have had in the Home Department a Branch dealing with the revision of the constitution, and collecting the enormous amount of material which has to be collected, sifted and arranged, in order that the Government of India, as the period of intensive consideration approaches should be able to deal with this complicated problem with the greatest possible despatch Well Sir, now that this period of intensive consideration is upon us the work is really outgrowing the capacity of the Home Department and indeed it can no longer be urged that it concerns only the Home Department It is a matter which concerns the whole of the Government of India and every Department in it Therefore, it was considered necessary that a separate Branch should be formed—we gave it the name of Reforms Branch, but you might call it anything you like, "Revision Branch" or anything you please—and that that should operate independently of any particular Department At the same time as the work was increasing, it was felt necessary to give the Branch some assistance in the way of additional staff, and that is the purpose for which this Supplementary Demand is presented I do not know that I need add anything more Possibly I should say a word with reference to what was said by the Honourable Member who disclaimed all acquaintance with me (Laughter) I think he possibly belongs to that school which believes that these extremely intricate constitutional questions can be solved by merely uttering a phrase, that one arrives at the solution by some system of direct inspiration But the Government of India feel that that is not the way in which the problem is to be approached, but that they must really apply their minds to the extremely complicated details of this very important problem It is to enable them to do this, Sir, that we ask for this Supplementary Demand

Mr Deputy President . The question is

"That a supplementary sum not exceeding Rs 32,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st day of March, 1931, in respect of 'Home Department'"

The motion was adopted.

MISCELLANEOUS

The Honourable Sir George Schuster : Sir, I beg to move

"That a supplementary sum not exceeding Rs 15,50,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March, 1931 in respect of 'Miscellaneous'"

As the amount of this Supplementary Demand is a very large one, I think it is proper that I should give this House some explanation of the position Those who have read the Report of the Standing Finance Committee will realise that this sum is required to meet claims for compensation to lascars and their dependants for loss and damage caused by enemy action during the war That is an account which ought to have been settled long ago, but owing to the peculiar circumstances which apply to lascars, it is realised now that all the claims which deserve consideration have not been sent in , and we have had to make an estimate of what further claims are likely to come in A fixed date has now been settled beyond which further claims will not be considered so that I think we may take it that this represents the final amount which is likely to come up for payment under this head It is perhaps unfortunate that, in a year like the present, we should have had to come forward for an additional demand of this magnitude, but there is something reassuring which I can say to this House on the matter The payment of these war claims has always been regarded as a first charge on the reparation receipts which are accruing to the Government Formerly, as Honourable Members are aware, those reparation receipts were added to the annual provision for the reduction or avoidance of debt but as provided by a clause in the Finance Bill of last year we are now taking those reparation receipts to revenue Therefore any deduction from them would fall now upon our revenue But in this particular year, since the beginning of the financial year, we have learnt that we shall receive an amount of about Rs 31 lakhs on account of Austrian reparations, so that we have that unexpected windfall to our credit to balance this unexpected and large amount to our debit and on balance the financial results for the year as arising out of this particular account of war receipts and war claims, will be improved I hope, Sir, that will be reassuring to Members of the House and I do not think that any further explanation is called for on this vote

The motion was adopted

RESOLUTION *RE* PREVENTION OF INDUSTRIAL ACCIDENTS

Mr Deputy President The House will now resume discussion on the following Resolution moved by the Honourable Sir Bhupendra Nath Mitra on the 31st March, 1930

"This Assembly having considered the Recommendation concerning the prevention of industrial accidents and the Recommendation concerning responsibility for the protection of power driven machinery adopted at the Twelfth Session of the International Labour Conference, recommends to the Governor General in Council that he should examine the possibility of giving effect to the Recommendation concerning the prevention of industrial accidents and that the results of this examination should be placed before this Assembly within eighteen months from this date"

Maulvi Abdul Matin Chaudhury (Assam Muhammadan) Sir, I cannot help expressing my deep regret that the Government have not yet found it possible to accept the Recommendation of the International

[Maulvi Abdul Matin Chaudhury]

Labour Conference Now, Sir, when the question is being postponed pending further investigation I should like to offer one or two brief remarks on this Resolution This Recommendation, Sir embodies certain general principles about the prevention of industrial accidents and is meant as a guide to less progressive countries to adopt measures which have been found to be of great value in other progressive countries Part I of the Recommendation says

"Whereas the foundations of the study of accident prevention are

(*a*) enquiry into the causes and circumstances of accidents,

(*b*) the study, by means of statistics of accidents in each industry as a whole, of the special dangers which exist in the several industries, the 'laws' determining the incidence of accidents and, by comparison over a series of years, the effect of measures taken to avoid them,

The Conference recommends that each Member should take the necessary steps, by means of legislative or administrative action, effectively to ensure the collection and utilisation of the above information"

Now, Sir, this part of the Recommendation lays stress on two points Firstly, the need for scientific research and, secondly, the collection of statistics for international comparison The research, if it is to be fruitful, must involve all the factors, human and material, that are involved in the causation of accidents I need hardly explain to this House, that, by material factors, we mean questions like the protection of machinery, the prevention of the installation of unfenced machinery, ventilation, light, questions relating to the hygienic condition of workshops, and similar other questions By human factors are meant those factors which arise out of the physical and mental condition of the workers, factors like industrial fatigue, the question of rest and hours of work and such other questions I am not aware, Sir, that the Government of India have ever considered it their duty to make any thorough and systematic investigation into these matters, and I hope that this Recommendation will stimulate their effort in that direction

As regards statistics, the need for the collection of the statistics for international comparison is universally recognised I should like to read out to the House, in this connection, the opinions of the various Governments in Europe The German Government for instance considers that, in the absence of comparable accidents statistics it is impossible to draw any conclusion from the result of experience in different countries The Austrian Government is of the same opinion and adds that the compilation and development of statistics are essential for the safety of the workers The Government of Holland do consider that international accidents statistics form a highly important guide for the prevention of accidents, and refer particularly to the compilation of statistics, from which conclusions could be drawn as to the danger to certain machinery and certain trade The French Government regard the industrial accidents statistics as a most valuable source of information The British Government consider that uniformity of statistics is very desirable and would be in favour of any practical steps that can be taken to ensure it

As against all these, Sir, the Government of India hold a very peculiar view on the subject According to them, the conditions in India are so different from the conditions obtaining in the countries of

the West, that any international comparison of statistics will be misleading I have not been able to understand, Sir, how on the question of the Safety provision and on the question of consequences that may follow from the lack of such a provision, the conditions can be alleged to be different between the East and the West Unfenced machinery, for instance, is as much a danger to life in the East as in the West The view of the Government can only be interpreted to mean that life in India is not very valuable , and world-opinion will be misled if they get a very harrowing impression from the high rate of statistics of the industrial accidents in India The Government of India are therefore reluctant to place their figures before the Bar of International judgment That is the position

Then, Sir, Part II of the Recommendation deals with the necessity of co-operation between the workers and the employers on the question of preventing accidents in industrial undertakings The Recommendation says

" In view of the satisfactory results which experience in different countries has shown to follow from co operation between all parties interested in the prevention of industrial accidents, particularly between employers and workers, it is important that the Members should do all in their power to develop and encourage such co operation as recommended in the Recommendation on systems of inspection adopted in 1923 "

Here, again, the view of the Government is very reactionary. According to them, any general application of these principles on a large scale is not practicable in India because of the general illiteracy of the masses and their unorganised condition Now, Sir, the workers are admittedly ignorant and illiterate, but who is responsible for that ? The Government of India did not introduce free and compulsory education amongst the masses Having denied them the education, to come forward with the argument that these people are too illiterate to usefully co-operate is adding insult to injury But that is not my main point I maintain that the illiteracy is no bar to their co-operation being secured on this question Indian workers are as intelligent and shrewd and possess as much commonsense as any other workers in the West It is these things which count in this connection, and not the fact whether they are capable of signing their names, or not I hope the Government of India will revise their estimate about the ability of Indian workers and will bear these facts in mind when they come to their final conclusion

The Honourable Sir Joseph Bhore (Member for Industries and Labour) Sir, the course of the debate does not render it necessary for me to indulge in any elaborate explanation by way of reply The point I wish to emphasise is merely this, that we are seeking the authority of this House to conduct an investigation to see how far it is possible for us to accept the Recommendations of the International Labour Conference I am sure the House will agree that we could not give effect to the Recommendations of that Conference without reference to Local Governments, without reference to organisations representing labour and representing employers, and without reference to interested bodies, as, for instance, Insurance Companies I am most grateful to the Honourable Member who has just now spoken for the suggestions that he has made, and he may rest assured that they will be taken into consideration and given the most careful attention at the appropriate time I have no further observations to make

Mr Deputy President : The question is

" That the following Resolution be adopted

' This Assembly, having considered the Recommendation concerning the prevention of industrial accidents and the Recommendation concerning responsibility for the protection of power driven machinery adopted at the Twelfth Session of the International Labour Conference, recommends to the Governor General in Council that he should examine the possibility of giving effect to the Recommendation concerning the prevention of industrial accidents and that the results of this examination should be placed before this Assembly within eighteen months from this date ' "

The motion was adopted

REPORT OF THE PUBLIC ACCOUNTS COMMITTEE

Mr Deputy President The House will now resume further consideration of the following motion moved by the Honourable Sir George Schuster on the 31st March, 1930

" That the Report of the Public Accounts Committee on the accounts of 1927-28 be taken into consideration "

Mr B Das (Orissa Division Non-Muhammadan) Sir, during the last Delhi Session the Honourable Sir George Schuster could not proceed with the detailed discussion of this motion because of the thinness of the House and he could not therefore put forward the point of view of the Government of India in the matter Although I have had the privilege to know his viewpoint in another place namely the Public Accounts Committee, it would very much have helped the discussion on the floor of this House had we had his views in the matter Sir, Honourable Members of this House, who are all familiar with the Government of India Act and the Indian Legislative Rules, know that under the new reforms that came in in 1919, the Legislature was given a certain power, the Legislature was given a certain amount of financial control Formerly after the Minto-Morley Reforms, Honourable Members could only talk on the Budget, but they could not touch the Finance Members because they had no control on them But after the 1919 Reforms came into force, when the new Legislative Rules were drafted, the Legislature was given certain powers These powers are embodied in rules 50, 51 and 52 of the Legislative Assembly Manual, a copy of which every Honourable Member possesses I will read rules 51 and 52 to acquaint Honourable Members with the constitution of the Public Accounts Committee Article 161, page 57 of the Manual of Business and Procedure reads

12 NOON

" As soon as may be after the commencement of each financial year, a Committee on Public Accounts shall be constituted for the purpose of dealing with the appropriation accounts of the Governor General in Council and the report of the audit officer thereon and such other matters as the Finance Department may refer to the Committee "

The next paragraph deals with the number of persons that can attend the Committee I will now read article 162, rule 52

" (1) In scrutinizing the appropriation accounts of the Governor General in Council and the report of the audit officer thereon, it shall be the duty of the Committee to satisfy itself that the money voted by the Assembly has been spent within the scope of the demand granted by the Assembly

(2) It shall be the duty of the Committee to bring to the notice of the Assembly—

(i) every re-appropriation from one grant to another grant ,

(ii) every re appropriation within a grant which is not made in accordance with such rules as may be prescribed by the Finance Department, and

(iii) all expenditure which the Finance Department has requested should be brought to the notice of the Assembly ''

Sir, the report which we are considering, the Public Accounts Committee Report of 1927-28, happens to be the seventh report that was presented by the Public Accounts Committee of this House Although twice or thrice we drew the attention of the Honourable the President and the Government to the point that an opportunity should be afforded for discussion, it was left to the Committee of 1927-28 to formulate proposals as to how it should be discussed I may inform Honourable Members that these Public Accounts Committees are formed just on the line and on the practice of the British Parliament, with one difference, that in the House of Commons the President of the Public Accounts Committee is a Member of the Opposition, while here the President of the Public Accounts Committee happens to be the Honourable the Finance Member of the Government of India The same thing happens also in the Provincial Governments where the Finance Member presides I may take this opportunity of acknowledging the fairness and courtesy that the Finance Members, Sir Basil Blackett who was a Finance Member of this House for five years and my Honourable friend Sir George Schuster have always shown to the members of the Public Accounts Committee I must also refer to the fact that at the time of discussion in the Committee, Sir Basil Blackett or Sir George Schuster as Chairman always had taken an independent attitude (Hear, hear), sometimes also forgetting that either of them was the Finance Member of the Government of India or that they were having certain definite interests of the Government of India to safeguard I refer to this in full appreciation of their work and I acknowledge this part of the fairness on the part of the Finance Members, who have to preside over the Public Accounts Committees under the present constitution I am not questioning here as to who should be the Chairman of this Committee After the statutory changes, that question may crop up But I am only intimating to the House what the present procedure is There is a practice in the House of Commons that on certain occasions the Public Accounts Committee's reports are discussed on the floor of the House We that want to follow the precedent of the House of Commons in the working of the Indian Legislative Assembly also want the same procedure to be followed on the floor of this House I may just remark that a certain Commission, namely the Simon Commission, has said that we should not follow the British constitution in detail and that we should go to America and follow their Federal constitution But the American constitution, as far as my knowledge goes may be a good standard for those seven gentlemen who reported in the Commission, but we all know the political scandals and the manipulations that are going on in America We all know the Tammany Hall methods of New York State and we also know how the capitalists control the Senate, how the President of the American White House is elected through the rival capitalist factions I need not refer to the Teapot Dome oil scandal, where even certain American Cabinet Ministers were involved in the charge of profiteering through oil after the great war Well, Sir, for me America does not offer any standard, and for me Miss Mayo's land has no standard ! I have my quarrel with the British Government and the British

[Mr B Das]

Parliament and the British Members opposite, but still I would like to see the evolution of a constitution for India on the standard of the British constitution In the Public Accounts Committee we were indebted to the Finance Department for giving us, in a memorandum, the procedure and practice that is followed in the House of Commons That was discussed in detail in the Public Accounts Committee of 1927-28, and they made a recommendation, which is given in paragraph 30, page 11, Volume I of that Report The proposals are summarised here

"The proposals which have come forward in the course of this discussion fall under three main heads

(a) that on a motion that 'the report be taken into consideration', there should be a general discussion on the report as a whole analogous to that which takes place at the general discussion stage of the budget,

(b) that in addition or possibly as an alternative to a motion that 'the report be taken into consideration', there should be afforded to the Assembly an opportunity to discuss, on definite resolutions moved special topics referred to, or recommendations made, in the report,

(c) that after the motion that 'the report be taken into consideration' there should be a further motion that 'the report be adopted' and that it should be open to the Assembly to discuss the vote upon amendments moved to the report"

All these three alternatives, the Committee discussed last year for many hours, but they could not come to any tentative conclusion They recorded a finding on page 12

"The opinion of our Committee on the choice between these two alternatives has been divided, but *we are all agreed that it is desirable to avoid fixing any procedure without ascertaining the views of the Assembly.*"

This recommendation, my Honourable friend Sir George Schuster has fulfilled by bringing forward this Resolution so that Honourable Members present here may express their views Whatever the general opinion of this House may be during this Session, that will be carried out in future Sessions My own personal view I gave before the Public Accounts Committee, but since then I have worked out in my mind a scheme and I feel every Member of the Assembly ought to express his views on the Public Accounts Committee's Report on the floor of this House They will suggest or recommend to the Executive Government to carry out certain recommendations of the Public Accounts Committee, or take action on the Report that is before them or on the previous Reports of the Public Accounts Committees But I think that, at this stage, this House ought not to pass any Resolutions, and that this House will have no right to amend the Report of the Public Accounts Committee because the Public Accounts Committee happens to be a statutory committee elected by this House, except three Members that are reserved to the Government of India to nominate Whatever the findings of that Committee are, they should be accepted by the House, but the Members of the House will exercise their privileges in criticising the Report for improving the work of the future Committees It may be that the Honourable the Finance Member happens to be the Chairman of the Public Accounts Committee who will move his motion, as he has moved to-day, that the Report of the Public Accounts Committee be taken into consideration Honourable Members who are interested in it should make their observations and the Executive Government will take such observations into consideration, and

the next year they may report to the Public Accounts Committee what action they have taken with regard to any unanimous proposal made by this House I was one of those who always advocated, on the floor of this House, the consideration of the Public Accounts Committee's Report, because, in my seven years' experience of the working of this House, I find that the principle, which was conceded through the Public Accounts Committee, that this House should exercise proper financial control, has been neglected by this House, and it mainly laid stress on one principle, the principle of constitutional advancement Not that I have not joined in that agitation But that is only one aspect of our work as Members of this House Sir, for years the elected representatives had no control over the finances In 1921 that principle was conceded to us It seems that this House has neglected to exercise its proper functions, and as I have worked for four years on that Committee, I feel that Members of this House should criticise our work and should know what we have achieved in that Committee A former Auditor-General, Sir Frederick Gauntlett, very nicely expressed the functions of the Public Accounts Committee and I will just read what he said

"The primary function of the Public Accounts Committee is to initiate the evolution of fundamental principles and thus to assist the Government in making a complete and accurate statement of those principles"

As I said, this House had been worried over one particular principle and has not worried over establishing further principles about financial control The Public Accounts Committee has tried its best, during the last seven years, to initiate further principles and it has established some conventions It has extracted from Government certain rights and privileges, for which I am proud as a member of that Committee, and as a Member of this Legislature But I think it is the duty of Members of this House to know what are these privileges that have been extracted from Government on that Committee I must just mention here that, on the first day that we met this year in the Public Accounts Committee, an Anglo-Indian paper—it is not my friend Mr Arthur Moore's paper but the *Pioneer* of Allahabad—while discussing the Resolution which the Government of India issued last month, said that it was all right for Government to pass these Resolutions for the better working of the Committee, but that it depended on whether the Committee members were willing to work, and the *Pioneer* opined that there was always a clash in these Committees My experience in the Public Accounts Committee and in other Committees, even in the Select Committees, shows that there is seldom any clash between the non-officials and Government in fundamental matters whenever we examine the principles involved in a particular Bill or whenever we sit as members of a particular Committee Of course in one particular matter we differ and that is with regard to constitutional questions, and for that one fundamental difference between us and the Government no paper worth its name has any right to condemn us and pass that kind of remark that there is constant clash in the Committee between us and Government , and I do hope that, when my Honourable friend Sir George Schuster rises to reply, he will agree with what I have observed about the working of the Committees

I may here observe that the Public Accounts Committee is assisted by the Auditor-General, who has got certain statutory powers given to him by the Government of India Act and he has certain special rights to approach direct the Secretary of State over the Government of India.

[Mr. B. Das]

While he draws his pay from the Government of India, he has the power and privilege to criticise the action of the Government of India regarding finance and financial control and expenditure My experience of the two Auditors-General, Sir Frederick Gauntlett, who retired last year in a blaze of glory, and Mr Burdon, a friend of this House who was a Member here for four or five years, shows that the Auditor-General and his staff, the Chief Auditors and Accountants-General, are all anxious to see that the statutory rules which concede certain rights to the Legislature are not trodden upon by the Executive and every year the Auditor-General sits in the Public Accounts Committee and assists us to exercise our functions Sir Frederick Gauntlett, before he retired, issued a book called the "Epitome of Reports from the Central Committee of Public Accounts, 1923-27 and of the Government orders thereon, with an index" He also issued a memorandum on the work of the Public Accounts Committees in India Those Honourable Members who are interested in the finances of India ought to read these two books and they will know how the finances are controlled The epitome of the Reports shows how the recommendations of the Public Accounts Committee have been given effect to by Government It has been so far the practice of Government to issue a Resolution from the Finance Department about the action taken by Government every year and at times matters have been referred to the Secretary of State, and the statutory rules have been amended To cite an instance, I will refer to one particular case, which is given on pages 38-39 of the epitome, where the Public Accounts Committee suggested a certain change of rules regarding new services to the Government of India The Government of India had to refer the case to the Secretary of State, because the Indian Legislative Rules under the Government of India Act cannot be amended by this House but can only be amended with the consent and agreement of the Secretary of State, and the Secretary of State, in the letter dated the 17th October 1928, said

"I am to inform you that the Secretary of State in Council has sanctioned the amendments proposed by the Government of India to sub-rule (*1*) of rule 50 of the Indian Legislative Rules and sub-rule (*1*) of rule 32 of the Provincial Legislative Council Rules"

So, Sir, a statutory committee appointed by this House made certain recommendations to the Government, and through the Government and the Auditor-General to the Secretary of State who rules us from England You know, Sir, that we tried to amend certain rules in the Legislative Manual and that we have not succeeded, rather, those who were politically minded tried to get a certain extension of powers and privileges of this House, but it has gone the other way But, Sir, in the matter of financial control, I think the Committee has reason to be proud of having achieved certain amendments The House ought to know what those changes are I read out from the Legislative Rules what power we have got in the Public Accounts Committee, we scrutinise the accounts and see that appropriations under heads are correct and that the Government do not exceed their powers, and within my experience, we have established one convention The House knows that we have no right to criticise non-voted grants; but, be it said to the credit of the Chairmen of the Public Accounts Committee, both of whom were and are members of the Government of India, that they have conceded certain rights, and we at present enjoy the right of raising

questions of policy and principle over non-voted grants—not that we can reduce any such grant, but our effective criticism helps the Finance Department in reducing those grants or in modifying them Last year's Report as well as the Report for 1926-27 contain certain draft rules, which might interest business men who are Members of this House, regarding purchases of stores for the Army and Railways and regarding contracts and they will find that contracts are now carried out under standard rules. We raised the question in the Committee and the Government of India agreed that certain general rules should be observed in these matters by every Department of the Government of India

Then, as regards disciplinary action, we found that various Departments of the Government of India had various special rules about the disciplinary action that should be taken, and that while in certain Departments only the lowest ranks were punished, in other Departments the head of the Department was brought to book We drew the attention of the Government to this, and suggested that disciplinary action should be uniform, and that officers responsible should be brought to book The Government of India agreed to this , and now, not only in the civil Departments, but also in the Military and in the Railways, over which my Honourable friends, Mr Mackworth Young and Mr Parsons preside, it has been agreed that disciplinary action should be taken against officers and departmental heads who are responsible and mere clerks should not be penalised

Talking of the Army this House knows that we have no control over the Army expenditure I may also explain that the Committee does not go into the detailed appropriation accounts of the Army , the Government of India appoints an *ad hoc* committee, over which the Finance Member presides, and which goes into detail and examines the accounts of the Army I must pay a tribute to that Committee , I have seen four or five Reports of that Committee, and I must say that they have done their work as thoroughly as the Members of the Public Accounts Committee do in regard to other subjects The Report of the *ad hoc* Committee is presented to the Public Accounts Committee, and the Members of the latter Committee are at liberty to raise discussions on any decisions that might have been arrived at , and although the Military Budget is non-voted, and we have no right at present to reduce it even by a rupee, still we control it through the *ad hoc* Committee Therefore, Sir, when I ask this House to take a further interest in the Public Accounts Committee's Report, my object is that the Finance Member should give an opportunity to this House every year, before he introduces the General Budget, or even the Railway Budget, say in early February, to discuss the Report, so that thereby the Members of this House can have a vivid picture of what the Committee has done and how the finances of the country are controlled, and when we come to the Budget discussions on the Railway, Army and Civil Budgets, we can do better justice to those Budgets

Another matter that I want to mention, Sir, is this We, who work as Members of the Committee, want the other Members of this House to take some interest in our work There is at present no co-ordination between the work there and the work of this House At least that has been my experience for the last seven years I know there are many Honourable Members here who are almost new to the House and who have come in only this day, and so they are not familiar with the work and I

[Mr B. Das.]

am sorry that events in the country have led to that situation, yet I think that every Member who wants to discharge his duties as a Member of the Assembly should take a keen interest in the Report of the Public Accounts Committee and offer effective criticisms wherever possible

Sir, I do not want to go into the details of this Report I have only indicated in what way the House should approach the matter, and as regards how far we have succeeded in our work in the Committee I shall leave it to other Members to judge

Maulvi Abdul Matin Chaudhury (Assam Muhammadan): Sir, in discussing this Report of the Public Accounts Committee, I want to draw the particular attention of this House to the financial position of the Posts and Telegraphs Department Honourable Members are aware that in the year 1925-26 the accounts of the Posts and Telegraphs Department were commercialised and it was intended that the Department should pay its way and should not be a burden on the general tax-payer, any surplus that the Department earned would go towards the reduction of its capital liability, the extension of postal facilities, the improvement of the service conditions of postal employees, and the reduction of postal rates In the year 1927-28 the Department showed a profit of Rs 4½ lakhs and it is within knowledge of Honourable Members that in the next year, 1928-29, there was a deficit of Rs 54 lakhs Now, Sir, the Postal Department is a monopoly, the postal rates are fairly high, and I have no reason to believe that the Department is extravagant or inefficient, why then this deficit? (*An Honourable Member*: "Question") That question is answered by the Report that is before us It is due to certain circumstances over which the Postal Department has no control When the Department was first commercialised, there were made certain arbitrary financial arrangements which are responsible for the present deficit The Postal Department started under a heavy initial handicap In fat prosperous years they could carry on somehow, but in lean years of trade depression, they find themselves in deep water through no fault of theirs Another reason for this deficit is the extraordinary delay in the adjustment of certain inter-departmental claims which is affecting the postal finances very prejudicially As a matter of fact, the Postal Department is being exploited by other Government Departments

I shall illustrate, Sir, one by one Take the Foreign and Political Department On page 32 of the Report under the head "Adjustments between Posts and Telegraphs and other Departments", it is stated thus

"The only important adjustment outstanding under this head is with Foreign and Political Department This Department was asked to bear losses incurred by the Posts and Telegraphs Department on account of postal and telegraph facilities provided for purely political reasons The principle that the Foreign and Political Department should bear such losses has been accepted and only certain details have to be worked out It is expected that the case will be settled soon According to present calculations, the liability of the Foreign and Political Department is assessed by the Posts and Telegraphs Department at Rs 2,85,000"

Now, I may inform the House that this has not been settled yet

Now, Sir, on the question of delaying payments of postal claims, the Railways are the worst offenders I do not see my Honourable friend

Mr Parsons here, but his Department is raising an interminable series of objections and counter-claims, and for the last five years they have been carrying on discussion without arriving at any decision. Last year, Sir, the Committee felt constrained to make the following observations

"The total amount involved is now estimated at about 12 lakhs The Committee desired to record that the settlement of the item should be expedited as the commercial results of the working of the Department could not be ascertained accurately till this and the other outstanding questions regarding adjustments were settled"

Then, Sir, there is the question of provincial contributions Last year the Postal Department paid 48 lakhs to the Provincial Governments Under the Indian Stamp Act, the postage stamps of half anna, one anna and two annas and four annas denominations may be utilised for the purposes of stamp duty, and these 48 lakhs of provincial contribution is the amount paid as a lump sum in respect of these stamps Now, Sir, these 48 lakhs represent 1|16th of the total revenue earned by the Post Office by the sale of postal stationery It is, Sir, absurd to suggest that, out of the enormous volume of cards, envelopes and postage stamps sold for ordinary purposes, and for registration and insurance, 1|16th is utilised for the purpose of stamp duty As a matter of fact, from the year 1906 to 1924 this contribution was fixed at 19 lakhs of rupees In the year 1925-26 it was raised at once to 47 lakhs I would ask Honourable Members to take a note of that date It was just on the eve of the commercialisation of the Department that they were saddled with this heavy burden I think, Sir, on an equitable distribution, this amount ought to be reduced at least by 20 lakhs

Then, again, Sir, the Postal Department is made to give a free gift of postage stamps to the Indian States worth about Rs 10 lakhs If for certain political considerations this gift is to continue, surely the Foreign and Political Department should pay for it and not a commercial Department like the Postal and Telegraph Department

Then, again, with regard to the Depreciation Fund, the Postal Department is required to pay a very high amount towards the Depreciation Fund, as compared with their actual expenditure on renewal and replacement I shall give the House a few figures to illustrate my point In the year 1925-26, the contribution to the Depreciation Fund was thirty-one lakhs, and the actual expenditure on renewal and replacement was 10 lakhs In 1926-27, the contribution was to be 30 lakhs and the actual expenditure 8 lakhs, and in 1927-28, the contribution was to be 52 lakhs and the actual expenditure 8 lakhs It is quite evident from this that the life assigned to the capital assets of the Postal Department has been too short and the rate of contribution too high The Post and Telegraph Department, Sir, submitted a memorandum to the Committee on this question, and I should like to read an extract from it for the information of the House

"It may first be pointed out that there is now fairly conclusive evidence in support of the general impression that the lives assigned to the capital assets of the Posts and Telegraphs Department for the purpose of regulating contributions to the Depreciation Fund are, in the case of some of the more important assets, too short It has been ascertained that more than half the total iron wire included in the assets of the department on 1st April, 1925, had lasted its full prescribed life by 1926 The original value of this time expired wire was approximately Rs 289 lakhs whereas total expenditure on renewals and replacements of iron wire during the four years 1925-26 to 1928-29 amounted to only about Rs 9½ lakhs It is therefore clear that the bulk of this

[Maulvi Abdul Matin Chaudhury]

iron wire is still in use and likely to remain so for many years to come In the case of posts, approximately two thirds of the total number in use (original value Rs 420 lakhs) will have lasted their prescribed life in 1931 The actual expenditure on renewals and replacements of posts during the same four years is 8½ lakhs and there is no doubt that these posts will not have to be fully replaced for a great many years

The corresponding figures for copper wire are as follows

	Rs
Original value of wire that has just become time expired	35½ lakhs
Actual expenditure on renewals and replacements during the last 4 years 1925 26 to 1928 29	3½ lakhs

The bulk of this copper wire is still in excellent condition and will not need replacement in the near future

These facts seem to establish beyond doubt the inadequacy of the 'lives' at present assigned to posts and lines, which constitute in value more than two thirds of the total wasting assets of the department The figures in the statement referred to in paragraph 4 of this note also afford strong confirmation of this conclusion''

I think, Sir, we shall be on very safe ground if we reduce our contribution to the Depreciation Fund by Rs 15 lakhs

Now, Sir, to sum up the whole situation, if we get Rs 2 lakhs and 85 thousand from the Foreign and Political Department, and if we realise Rs 12 lakhs from the Railways and Canals, if the provincial contribution is reduced by 20 lakhs, and if the Postal Department gets credit for the Rs 10 lakhs worth of free postage stamps which are now given as a free gift to Indian States, and if the Depreciation Fund is reduced by 15 lakhs, we shall have an additional sum of 60 lakhs in the postal exchequer, and this sum, together with the 20 lakhs normal growth of revenue, will not only be quite enough to wipe out the deficit and restore equilibrium, but it will also make provision for the reduction of postal rates Sir, I refer to all these figures, because we understood in the Public Accounts Committee that the Postal Department, forced by the exigencies of the circumstances, were contemplating an increase the postal rates I maintain, Sir, there is no justification for it, and the situation can be met without any increase of the postal rates, and if any attempt is made by the Postal Department in that direction, that ought to be strongly resisted by this House

Mr W S Lamb (Burma European) Sir, with your permission I should like to make a few remarks concerning systems of accounts generally I have been assured by the Honourable the Finance Member that so long I make intelligent remarks he would have no objection (Laughter)

To illustrate the point with which I am particularly concerned, with your permission and that of the House, I should like to quote from the Report of the Public Accounts Committee on the Accounts of 1924-25 At page 14 of that Report there is this

''There is, however, some danger that enthusiasm for regularity in accounting will prove to have been pushed too far at the expense of efficient administration if care is not taken to see, particularly in relation to commercialised departments, that improved systems of accounting do not throw an undue strain on the executive of such departments to the detriment of their proper functions, and that the executive are provided with the right sort of financial assistance and advice''

Now, Sir, when as a new Member of the Assembly I read those remarks, it appeared to me that the Public Accounts Committee had laid

upon themselves the duty of ascertaining, in the coming years, whether the fears they expressed in the Report, which I have quoted, were justified, and if at all they were justified, that they would come to the House and make recommendations and suggestions. Now, I looked forward with interest to see the Report of the following year. I wondered whether I could see a similar humanitarian spirit exhibited. In neither the Report for 1925-26 nor the one before us now is there any mention, any remark whatever, concerning this question which they themselves raised in 1924-25 Now, it is probable—certain in fact—that in allowing such comments to be made, there must have been a great deal said about the employees whose duty it is to deal with these highly refined and complicated accounts But, as I have said, we have nothing My Honourable friend, Mr Neogy, who is not in the House at the moment, has been constantly on the Public Accounts Committee, and he might tell us why the Public Accounts Committee failed to follow up the remarks or recommendations of its predecessor and consider whether those fears were justified In the same Report, you will find :

" some of the cases which we have dealt with in regard to the Posts and Telegraphs Department suggest that the rules regarding control of expenditure may in some cases be beyond the present capacity of the staff which is called upon to apply those rules "

Since mention is made of the Posts and Telegraphs Department, I may be permitted to make a few remarks In this very Report of 1924-25, there is a note describing the new account system which was then adopted It appears to me that sufficient time has elapsed to enable the Public Accounts Committee to hear evidence and to judge whether this account system of the Posts and Telegraphs does or does not, in its own words, " interfere with the efficiency of the department " I have talked with men, with officials, not only in Burma, but in other provinces, who have had to deal with those accounts, and I have been told that, particularly on the engineering side the men who have to administer these accounts are compelled to spend hours attending to them instead of to their own jobs The result is that men, technical men, engineers, who should be touring and looking after the many telegraph lines, in Burma for instance, are not able to attend to such duties because of the nature of these accounts I hear everywhere that employees of Government have, what is called, vulgarly, to ' sweat blood " in avoiding audit objection, and I suggest that this question is eminently one for the consideration of the Public Accounts Committee, even more so than it was in 1924-25, and I hope that the Honourable the Finance Member will afford the next Public Accounts Committee an opportunity of examining those who are called upon to deal with accounts, particularly of the kind to which I have referred

The Honourable Sir George Schuster (Finance Member) Sir, the subject which is before the House for discussion to-day—and the mere fact that we are having this discussion I think, is a matter of some interest—has a long history behind it During these last years, the idea of having the Report of the Public Accounts Committee discussed by this House has been brought up from time to time, and now at last this event, to which many Members, or Honourable gentlemen, who have been Members of this House in the past, have looked forward, has come about. I think all Honourable Members will agree with me that it is

[SIR George Schuster.]

perhaps unfortunate that we should have come to this discussion at a time when interest is largely centered on other matters, and, of course, we are in a particular difficulty now because the motion is already very much behind time It should have been taken up in the last Delhi Session It had to be postponed then because time could not be found, and now here we are in the latter part of 1930 discussing the Report on the Accounts of 1927-28 Therefore, our discussion is to a great extent out of date

Nevertheless I confess myself that I am very glad that this occasion has been reached, and I find that even the debate to which we have listened to-day contains elements of considerable value I should like to show what I mean by dealing with the three speeches which we have heard My Honourable friend Mr B Das, who very appropriately was the first speaker on this occasion—I say, appropriately, because this House knows what a great and continuous interest he has always taken in the affairs of the Public Accounts Committee—my Honourable friend Mr B Das dealt generally with the functions of the Committee and he struck a note which I should like to repeat and to emphasise He wished to bring to the notice of the House the great importance of the work which this Committee does I strongly endorse all that he said on that matter, and if the result of this debate is no greater than to cause some Honourable Members to call for their copies of the Public Accounts Committee's Reports and have a look at them and see what subjects are dealt with in those Reports—if it has achieved no further purpose than that, I think this debate will have been of value My Honourable friend Mr Das, at the outset of his speech, referred to a comment in a recent issue of a prominent newspaper which, dealing with the Government's Resolution on the Report which is now before us, made the remark that all these good intentions would work well, provided they were worked in a proper spirit, and provided there was no clash between the Government and the members of the Committee I should like to associate myself with what my Honourable friend said when he deprecated the suggestion that there was any clash between the Chairman representing the Government and the members of the Committee I can say for myself that I have received the most whole hearted co-operation from the Committee They have been very helpful to me at all times and I regard the Public Accounts Committee, just as I do the Standing Finance Committee, as a most valuable assistance to the Finance Member I think it is important at this stage, when we stand on the threshold of a review of the constitution—and let me say on the threshold of, as we all hope a considerable constitutional advance towards responsibility—that the public,—if they pay attention to the debates of this House—and this House itself should realise what an important function those two Committees perform In the Standing Finance Committee and in the Public Accounts Committee the public have instruments which give them the power to exercise a very considerable control of expenditure In the Standing Finance Committee they can check items proposed for expenditure before the money is spent In the Public Accounts Committee they can check how the money has been spent and to what extent the public has benefited from the expenditure The more the constitution advances towards responsibility, the more important do those

Committees become, and I hope that those of us who have worked in the early days on those Committees can feel that we have at least done some public service in starting a good tradition—a tradition of thoroughness, impartiality and a desire to search to the bottom all important affairs, which will stand the country in good stead in the future Mr Das referred to the fact that the Committee was able to examine matters affecting the non-voted Demands That, I think, gives them a particularly important opportunity, and I think Mr Das will acknowledge that we have always done our best to enable members of the Committee to follow up what are really matters of public interest, even in connection with the non-voted subjects He also referred to another sphere of the Committee's work, their influence on the discipline of the service, in the sense that they were able to call attention to points where disciplinary action was called for, and to ascertain whether the proper disciplinary action had been taken That is an aspect of the matter in which you, Sir, as a member of the Committee have always shown a particular interest, and I venture to think that the interest shown by the Committee may be felt throughout the whole service It will be valuable if that interest should continue and as I have said before, the more we move to responsible government the more valuable does that become

I should like myself to refer to a third special feature in the duties of the Committee which my Honourable friend did not touch upon When I say duties, I perhaps use too strong a word I should perhaps say opportunities We have endeavoured, particularly in the last two years, to devote our attention to the working results of the commercial concerns in which the Government are interested, and, as a result of the recommendations recorded by the Committee last year, we have been able to get before us this year a new volume in the form of an appendix on the working of commercial concerns which although it is only the first start in the direction in which we want to advance, has shown us, I think, that we have started on a line which will be of very great value to the public I think that this is a new feature in the work of the Public Works Committee and possibly also a new feature in the work of Public Accounts Committees generally The Government of India are enormously interested in commercial concerns, far more so than any ordinary government is The State Railways of the Government of India represent, I should imagine the largest single State-controlled concern in the world Then there is the Posts and Telegraphs Department, to which reference has already been made That perhaps is a more normal feature of Government activities . but apart from that, there is a mass of commercial concerns in which the Government are the sole shareholder—dairy farms, ordnance factories, printing presses and such like—and if any one chooses to read that appendix to which I have referred he will see what an important amount of capital is invested in commercial concerns in which Government is the sole shareholder Now, I have felt that the Public Accounts Committee affords a piece of constitutional machinery which can review the working of those concerns, and in order to enable that review to be intelligently conducted I have made a great endeavour to get the accounts presented in a way which is easily intelligible to any member of the public who understands a balance sheet, and, as a shareholder himself perhaps in some private company, knows how to check whether such a concern is going badly or well That is a feature which, as I say, I hope to see greatly developed

[Sir George Schuster]

in the future, and it is a feature of the work of the Public Accounts Committee to which I hope members of future Committees will continue to pay attention and which I hope every Member of this House, or the successors of this House in the future will watch. Because the greatest danger of State undertakings is that they lack that spur to efficiency which the competitive element in private enterprise provides, and, in the case of State undertakings, we have to provide some substitute for that spur to efficiency. I think the vigilant interest of the representatives of the public in the results of commercial undertakings is what is wanted in order to provide that spur. If you want to see that Government's commercial concerns are properly managed, it is in your power to do it, provided that a proper chance of examining the results is put before you, and that chance, I hope the inquiries of the Public Accounts Committee have provided for you and will provide in the future.

Then, Sir, turning to what was said by my Honourable friend, Maulvi Abdul Matin Chaudhury—to whom again I should like to pay my tribute of appreciation for the value of his work on the Committee—he referred particularly to the position of the Posts and Telegraphs Department. Now in the normal course I should have asked my Honourable colleague, the Member for Industries and Labour, to reply on some of the points that were raised, but as the House is aware, my Honourable colleague has only just assumed his duties and he and I have been in discussion on a great many of these points, and I know that as soon as he is able to do so in the pressure of other affairs, he is going to give his attention to those matters and I hope that we shall have an opportunity to discuss them together. I recognize the fact that the Public Accounts Committee, in their Report last year, recommended the appointment of a special expert committee to examine those questions of the adequacy of the depreciation allowance and other matters, such as were referred to by my Honourable friend in his speech. It is perhaps a matter for which some apology is owed to this House that no steps have been taken in the way of starting such a committee. But that is one of the points which I hope very shortly to be able to discuss with my Honourable colleague, and I think I can say that the necessary action will be taken without undue delay. That being the position, I do not think that it would be suitable for me to attempt any detailed reply to what my Honourable friend said on those particular points. I should only like to say this, that at present I could not, speaking as a financier and as one responsible for the finances of the Government, accept his view that the provision made every year for depreciation is excessive. But I am quite prepared to say that there is a case for investigation, and as the commercial basis of the Posts and Telegraphs Department has now been in operation for several years, it is a quite reasonable suggestion that the scale of the depreciation allowance should now be reconsidered in the light of actual experience.

1 P.M.

Then coming to what was said by my Honourable friend, Mr Lamb, I was very glad to see from his speech that, not only had he read the Report on the accounts for 1927-28, but he also had gone back through the Reports to the year 1924-25. That evidence of his study of the past work of the Public Accounts Committee is certainly, holding the views I do, very pleasing to me, and I must say I am grateful to him for having called attention to that paragraph in one of the Committee's earlier Reports. It is

indeed a most important matter—the question of whether in our desire fo accurate accounting we exceed the limits of what is commercially reaso able, so as actually to interfere with the executive direction of Department I think that is always a danger to guard against, and it is a danger to whic a Public Accounts Committee, seeing that its whole duty lies with account is perhaps particularly susceptible Therefore, it is very useful to us t have the common sense outside point of view brought forward and to l reminded that we must not press for such elaboration in accounting as wi be beyond the limits of what is commercially reasonable I am glad t have had this particular kind of comment, because I think it shows in wha way this sort of general discussion can be of value My Honourab friend, Mr Das, indicated that it interest was shown by Honourable Men bers of the Assembly in any particular point arising out of the account it would be the particular duty of Government to follow that point u and to see that it was considered by the Public Accounts Committee in th succeeding year I think that is a reasonable way of dealing with th matter, and it shows the sort of way in which a discussion in the Assembl can be of value , and the point made by my Honourable friend, Mr. Lamb is a case of such a suggestion of which we shall certainly make a note, an see that it comes before the Public Accounts Committee next year.

That, Sir, is all that I feel disposed to say in relation to the matter which have been raised in this debate I may, before closing, make som reference to the recommendation in the Report of the Committee whic we are now considering,—paragraph 30 of that Report where it deals wit the procedure to be followed in this discussion As my Honourable frienc Mr Das, pointed out, we considered various alternative forms of procedure and while we rejected one, we were left with two alternatives, and betwee them we did not wish to express a decided opinion The only decided an unanimous opinion expressed was that it was desirable to avoid fixing an procedure without ascertaining the views of the Assembly Well, I think we can hardly say—although, as I have already remarked, I consider tha the present debate has been of definite value—that on the present occasio we have had a representative expression of the views of the Assembly a to how this debate should be conducted in future , and therefore I think we must regard to-day's discussion as an experiment—an experiment whic has proved to be of value and an experiment which I hope will be repeatec in the next Delhi Session—and that our idea and intention must be t allow an established procedure to grow up according to what is shown by practical experience to be the right form of procedure I am convinced myself that these general discussions on the Report of the Public Account Committee will be of value, and even if they do not lead to any definite recommendation or definite Resolution, I think the opportunity which is afforded for calling attention to points of public interest is one which ought to be taken, and that it will be well worth while for this Assembly always to devote a day for that purpose The net result is that we have had this discussion and that the recommendation of the Public Accounts Committee made in paragraph 30 of their Report, stands, that a similar motion will be moved at the next Delhi Session, and that if in the course of the debate on that motion any further suggestions are made, those will be taken into account by the Government, and in that way I hope we shall advance step by step towards the formulation of a definite procedure I have only one thing to say in conclusion and that is to repeat, with all the emphasis I can

[Sir George Schuster.]

command, my opinion that the work of the Public Accounts Committee is of the greatest importance and that their annual Reports deserve the careful study of every Member of this Assembly.

Mr. Deputy President : I would like to inform the House that, accepting the recommendations of the Public Accounts Committee, the Honourable Mr V. J Patel, in consultation with the Honourable the Finance Member, had decided that there would be no vote on this motion before the House It was decided that the House would be given an opportunity to have a general discussion on the Report of the Public Accounts Committee. Therefore no question will be put to the House on the Report.

Before the House is adjourned, I would also like to remind Honourable Members that nomination papers for the election of the President of the Assembly will be received by the Secretary of the Legislative Assembly Department till to-morrow at twelve of the clock This Assembly now stands adjourned till Wednesday morning, Eleven of the Clock

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 9th July, 1930.

LEGISLATIVE ASSEMBLY DEBATES

WEDNESDAY, 9th JULY, 1930

Vol. IV— No. 2

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1930

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LEGISLATIVE ASSEMBLY.

Wednesday, 9th July, 1930

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr Deputy President in the Chair

MEMBERS SWORN

Mr Usha Nath Sen, M L A (Bengal Nominated Non-Official), Pandit Bisheshwar Prasad Bhattachaiya, M L A (Benares and Gorakhpur Divisions Non-Muhammadan Rural), Mr C V Venkataramana Aiyangar, M L A (Madras Indian Commerce), and Mr Herbert Tower Sorley, M L A (Bombay Nominated Official)

ELECTION OF THE PRESIDENT

(At this stage Mr Deputy President vacated the Chair, which was taken by Mr M A Jinnah, one of the Members of the Panel of Chairmen appointed during the last Session)

The Chairman In accordance with the provisions of rule 5A of the Indian Legislative Rules, the House will now proceed to elect a President by ballot In compliance with the provisions of sub-rule (3) of that rule, I have to announce to Honourable Members that seven nomination papers, duly filled in, have been received on behalf of Maulvi Muhammad Yakub, and that three nomination papers, duly filled in, have been received on behalf of Dr Nand Lal The names of the proposers and seconders of Maulvi Muhammad Yakub are as follows

Dr Nand Lal (West Punjab Non-Muhammadan) Before you proceed further may I raise a point of order, Sir ? The most important and constitutional question which I wish to raise before this House is in the following terms

The Chairman Order, order , let me first place the proposal before the House The names of the proposers and seconders are as follows

Dr Nand Lal You have not heard me

The Chairman : Order, order The question must be placed before the House before any point of order can be raised

The names of the proposers and seconders of Maulvi Muhammad Yakub are as follows

Proposers—

Dr. L K Hyder
Mr Badri Narain
Nawab Sir Sahibzada Abdul Qaiyum
Maulvi Abdul Matin Chaudhury
Mr Abdul Latif Saheb Farookhi
Rao Bahadur M C. Rajah.
Mr. B Sitaramaraju

[The Chairman]

Seconders—

Dr Ziauddin Ahmad

Mr B Das

Mr Muhammad Ismail Khan

Mr Abdul Qadir Siddiqi

Maulvi Sayyid Murtuza Saheb Bahadur

The Revd J C Chatterjee

Maulvi Mohammad Shafee Daoodi

The names of the proposers and seconders of Dr Nand Lal are as follows

Proposers—

Sardar Gulab Singh

Mr. B N Misra

Sardar Kartar Singh

Seconders—

Rai Bahadur L Panna Lal

Pandit Chuni Lal

Mr N P Sahi

Honourable Members will now come to the table and receive the ballot papers from the Secretary in the order in which I call their names

Dr. Nand Lal : I wish to submit to the House that, according to rule 3 (1), I find that this House is not properly constituted and it is not properly presided over according to the following terms

" At the commencement of every session, the President shall nominate from amongst the members of the Assembly a panel of not more than four Chairmen, any one of whom may preside over the Assembly in the absence of the President and Deputy President, when so requested by the President or, in his absence, by the Deputy President "

Now, I submit that only in the real absence of the President and Deputy President the Chairman can preside, but since the Deputy President cannot be deemed to be absent in the present circumstances, the Chairman, with due respects, cannot preside The House for the present has thus ceased to exist The Deputy President took part in the former part of the proceedings His going away to the adjacent room now does not prove absence within the contemplation of rule 3 (1) Consequently, the election cannot be held The Deputy President himself is one of the candidates , only a few minutes ago he was present in the House Therefore, with profound respect to you, Sir, in the Chair, I submit that the proceedings in regard to election cannot be held Absence does not mean being present and leaving the Chair only for a while It is not absence within the contemplation of the law.

The Chairman : I hold that it is open to the President or the Deputy President at any time to request the most senior Member of the Panel of Chairmen to preside over this Assembly, and I therefore rule out your point of order

Dr. Nand Lal : My submission is that it could be done in some cases. No doubt whenever a request is made to the senior Chairman, or any other Chairman, he can occupy the Chair and can proceed with the election, but only in certain cases

The Chairman : Order, order The ruling has been given and the Honourable Member must bow to it Honourable Members will now proceed with the election as I have already announced

Dr. Nand Lal : I should like to see the nomination papers

Honourable Members : Order, order

Dr. Nand Lal : Am I not entitled to see whether the other candidate has been duly nominated or not ?

Honourable Members : Order, order

The Chairman : I request the Honourable Member not to persist in this conduct, and I hope that he will accept my ruling which is already given

Dr. Nand Lal I accept your ruling But what I am submitting before this House is this, that I am entitled to see whether the other candidate is duly nominated or not, and I am entitled to see the nomination papers Therefore this House will kindly permit me to see the nomination papers and find out as to whether they are valid or not

The Chairman Will the Honourable Member point out any Standing Order or rule which entitles him, at this stage, to examine the nomination papers ?

Dr Nand Lal : I may invite the attention of the Chair to rule 5A, sub-rule (3) which reads

"On the date fixed for election, the outgoing President, or, if the office of President is vacant, the Deputy President or Chairman, as the case may be, shall read out to the Assembly the names of the members who have been duly nominated "

Now, Sir, it has got to be seen whether they are duly nominated or not and I am entitled to see it

The Chairman : The Honourable Member is not entitled to see the nomination papers at this stage

(The ballot was then taken)

The Chairman : I hope all Members desiring to vote have recorded their votes ?

(After the votes had been counted)

The Chairman : I have to declare that Maulvi Muhammad Yakub has secured 78 votes and Dr Nand Lal 22 votes I therefore declare that Maulvi Muhammad Yakub is duly elected , and all that is necessary now to complete the election of the President is to secure the approval of His Excellency the Governor General required by section 63C (1) of the Government of India Act In order to obtain His Excellency's approval, the House will re-assemble at a quarter to one of the clock to-day, and I therefore adjourn the House till a quarter to one.

The House then adjourned till a Quarter to One of the Clock.

The Assembly re-assembled at a Quarter to One of the Clock, Mr M A Jinnah in the Chair

MEMBERS SWORN

Mr. Brij Kishore, M.L.A (Lucknow Division . Non-Muhammadan Rural) ; and Mr. Nehal Singh, M.L.A. (Bhagalpur, Purnea and Santhal Parganas · Non-Muhammadan)

ELECTION OF THE PRESIDENT

MESSAGE FROM HIS EXCELLENCY THE VICEROY AND GOVERNOR GENERAL

The Chairman : I have received a Message from His Excellency the Viceroy and Governor General The Message is as follows

(The Message was received by the Assembly standing)

" In pursuance of the provisions of section 63C of the Government of India Act, I, Edward Frederick Lindley, Baron Irwin, hereby signify that I approve the election by the Legislative Assembly of Maulvi Muhammad Yakub as President of the said Assembly

SIMLA (Sd) IRWIN,

The 9th July, 1930. Viceroy and Governor General "

I accordingly invite Maulvi Muhammad Yakub to occupy the Chair

(The Chairman then vacated the Chair which was occupied by the Honourable Maulvi Muhammad Yakub amidst applause)

The Honourable Sir George Rainy (Leader of the House) It is my privilege, Mr President, to be the first to offer my congratulations on your elevation to the Chair For more than three years you have filled the office of Deputy President, and the vote of the House to-day is the best testimony you could ask of the impression made on the minds of Members by the manner in which you have discharged the duties of that office and of the esteem in which they hold you (Applause) They have now called you to a higher office and to heavier responsibilities It is no light task to preside over the deliberations of the Legislative Assembly of India and to guide and control our debates Speaking on behalf of the Government, I can assure you, if assurance is needed—and I do not doubt that in what I say I shall voice also the feelings of all sections of the House—that we have complete confidence in your judgment and impartiality, and are sure that you will be the faithful guardian of the dignity and independence of this Assembly (Applause) Let me say also, Mr President, that you may rely on receiving from the Government all the support and assistance we can give you Three years ago, on the occasion of another election, Sir Alexander Muddiman spoke of the close and intimate relations which must exist between the President and the Leader of the House. I could wish that, on your assumption of the Chair, you had found in the Leader's seat one with greater experience of leadership and closer acquaintance with all the mysteries of the Rules and Standing Orders than I can claim But I should be altogether unworthy of the position which I hold if any effort were wanting on my part to give all the assistance and all the support which the Chair may

rightly expect from the Leader. I look forward with pleasure, Sir, to our association during this Session, and I congratulate you once more on the well merited honour which the House has conferred. (Applause.)

Mr M R. Jayakar (Bombay City Non-Muhammadan Urban) : Sir, on behalf of myself and my party I offer you hearty congratulations, and associate myself and the members of my party with the felicitous words which have fallen from the Honourable the Leader of the House. I do hope, Sir, that your tenure of office, though short owing to the necessity of the case, will be a successful one. (Applause)

Mr M A Jinnah (Bombay City Muhammadan Urban) Sir, I am somewhat in a difficult position and stand on a different footing from the two Honourable Members who have preceded me. Nevertheless, I wholeheartedly endorse the terms in which you have been congratulated on your having been elevated to this very high office to preside over the deliberations of this Assembly. I said I am in a difficult position, Sir, because you have been my colleague for a number of years in public life, and during the long course of our relationship, not only have you won my respect and affection, but I think I shall be entitled to say that we have been great friends Therefore, I am not in a position to speak what I feel, but I congratulate you as a friend and as a Member of this House, and I can assure you that my party and I will extend to you all the help and assistance that we can in discharging your heavy responsibilities as President of this House Sir, I wish you every success in the discharge of your difficult duties and responsibility of high office (Applause)

Mr Amar Nath Dutt (Burdwan Division Non-Muhammadan Rural) Allow me, Sir, on behalf of my party, to congratulate you on your election as President of this Assembly Sir, our association with you in the past leads us to hope that you will be able to fill the high position to which you have been called worthily and that the uniform courtesy with which your conduct has been associated as Deputy President of the Assembly will continue I once more congratulate you on behalf of the Swaraj Party on your elevation to this high office and wish you every success

Sir Hugh Cocke (Bombay European) Sir, no words of mine are necessary on behalf of this Group to endorse what has already been said We congratulate you very heartily We are well aware, as the Honourable the Leader of the House has just pointed out, that the Standing Orders and Rules contain many mysteries and difficult points arise , but we are quite sure that in your hands the procedure of this House and the dignity of the Chair will be adequately upheld (Applause)

Nawab Sir Sahibzada Abdul Qaiyum (North-West Frontier Province Nominated Non-Official) Sir, on behalf of the Central Muslim Party, I heartily congratulate you on your election to this high office, and I feel sure that you will prove yourself worthy of the great trust that the House has reposed in you and that you will do credit to the responsible position to which you have been elevated. (Applause.)

Mr President : Gentlemen, I am really overwhelmed by the kindness which you have shown me, and I assure you that I am using no conventional language when I say that I am deeply grateful to you for the honour you have done me by electing me President of the Legislative

[Mr President]

Assembly, and for the exceedingly kind terms in which you have welcomed me this morning I am greatly touched by the kind words which my colleagues, with whom I have had the privilege of working in this Chamber for nearly seven years, have said in the exuberance of their hearts

Gentlemen, as you are aware, the term of my office will be very brief, but I feel sure that the confidence which you have reposed in me is more than a recompense for my short incumbency of the Chair Gentlemen, I will have the honour to guide the deliberations of this House only for a week Such power as I hold and such authority as I exercise are derived from you It is impossible for me to forget that I occupy the Chair as your spokesman and your representative It will be my sacred duty to see that the rights of individual Members of every party and every section of the House are safeguarded during the brief period that I shall occupy the Chair God grant me strength to act with strict impartiality as long as I preside over your deliberations But without your help I can do nothing, and in the performance of my duties I fully rely upon your co-operation, indulgence and assistance which I hope and trust I shall never fail to receive On my part I assure you, gentlemen, that I will never fail to give my co-operation and assistance to all the Members whenever necessary

I thank you again most heartily, gentlemen for the way in which you have received me this morning (Applause)

ELECTION OF THE DEPUTY PRESIDENT

Mr President: My election as President has caused a vacancy in the office of the Deputy President In pursuance of Order 5 of the Standing Orders of the Legislative Assembly, I direct that an election to the office of Deputy President shall be held on Friday, the 11th July

Each Member wishing to propose another Member as a candidate for election will ascertain that the candidate is willing to serve if elected and will hand to me not later than 12 noon tomorrow, Thursday, the 10th July, a notice showing the name of the candidate signed by the proposing Member himself and by some other Member as seconder

As soon as the notices have been handed to me I propose to read out the names of the candidates, together with their proposers and seconders, and if there is more than one candidate, to take the ballot on Friday, the 11th July

1 P M

The Secretary will issue a circular informing Honourable Members of the method by which the ballot shall be held

Mr President: Before I adjourn the House I would like to remind Honourable Members that His Excellency the Governor General will address the Members of both Houses in this Chamber this afternoon at 3 O'Clock and therefore Members are required to take their seats in this House before 2-45 P M This House stands adjourned till 11 O'clock tomorrow morning

The Assembly then adjourned till Eleven of the Clock on Thursday, the 10th July, 1930.

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

His Excellency the Viceroy Gentlemen, it is my first duty this afternoon to offer to the newly appointed President of the Legislative Assembly my congratulations on his election to that honourable post I am confident that he will fill it with dignity and distinction and that he will have the support of all parties in the discharge of the duties that the House has entrusted to him

3 PM

I felt some doubt, gentlemen, whether it was in accordance with your wishes that a session of the Council of State and of the Legislative Assembly should be held this summer In reaching my decision I was influenced largely by the fact that, apart from certain official and non-official business which it was desirable to transact, it seemed clearly right that Members of both Houses should have an opportunity of discussing matters of public interest, on which also I wished, before the Legislature was dissolved, to have the privilege of addressing you

This session will mark the close of the second Council of State and of the third Assembly, which last has already been extended by two sessions beyond its normal term In certain quarters a desire in favour of a further extension for the Assembly has been expressed, and notice has been given of a Resolution to be moved to this effect After giving the matter my careful consideration, I came to the conclusion that it would not be right on general grounds to extend the present Assembly further, and in consequence of this decision it appeared that the most convenient course would be to dissolve the Council of State in time to allow of the elections of both Houses to be held concurrently in September This procedure I propose to follow I realise that an election at that time will mean that those who have recently been successful in bye-elections can take part only in one brief session and that it may for climatic reasons cause inconvenience both to candidates and electors I greatly regret that this should be so, but the usual date of elections is impossible if it is not to clash with the approaching Conference in London, and for those potential candidates who may in due course be invited to go to England for this purpose, September elections would, I think, be accepted as the most convenient

The return of His Majesty's Legation to Kabul marks the re-establishment of normal relations between His Majesty's Government and Afghanistan, and the end of a period of difficulty and stress

The situation on our North-West Frontier, which for some time was such as to give cause for anxiety, is now I am glad to say giving place rapidly to more satisfactory conditions I wish warmly to commend the efforts both of leading residents of the Province and of the official authorities to restore to the North-West Frontier Province the old relations of friendship and confidence between its people and Government

On the North-Eastern borders of India, difficulties arose between the Governments of Nepal and Tibet over a question of the nationality of an under-trial prisoner, and led to incidents involving very serious tension between them The possibility of hostilities between these two countries, both neighbours of India, was not one which India could regard with equanimity, and, with the consent of His Majesty's Government, special efforts were made to avert any such calamity A friendly mission was despatched to Lhassa, and acting on advice thus tendered, the Tibetan Government took the steps necessary to remove the cause of friction. All is now well between the two countries, and both have expressed their gratitude for the friendly action taken by the Government of India.

[H E the Viceroy.]

As Honourable Members are aware, two important questions relating to Indians overseas have been engaging the attention of my Government for some time past. One of these arose out of the recommendations made by the Hilton Young Commission and by Sir Samuel Wilson regarding closer union in East Africa , the other concerned the basis of franchise under the new constitution in Ceylon His Majesty's Government have recently announced their conclusions about both I need not recapitulate them in detail, as they have received full and wide publicity in India But I wish to make a few observations on the points of outstanding interest to India that emerge from these announcements

As regards East Africa, the proposals of His Majesty's Government are to be referred to a Joint Select Committee of Parliament When this Committee is set up, the Government of India will intimate their desire to place it in possession of their views on those proposals that concern the Indian communities in these territories The conclusions of His Majesty's Government that the official majority should be retained in the Legislative Council of Kenya, and that the establishment of a common roll is the object to be aimed at and attained, are in accordance with the views consistently urged by the Government of India Fears have been expressed in certain quarters that the scheme of closer union formulated in the White Paper may ultimately prove detrimental to Indian interests I would however draw the attention of Honourable Members to the various safeguards provided in the scheme to protect racial minorities They may rest assured that, should it later be found necessary, the Government of India will make the requisite representations on the subject

The decisions of His Majesty's Government regarding the franchise in Ceylon recognise the claim of the Government of India to watch over the interests of Indian emigrants in the Colony Explicit renunciation of their protection by an Indian applying for a certificate of permanent settlement will not be required There is no intention of repealing or amending, to the detriment of Indians, any of the laws of Ceylon affecting their position or privileges, which they will continue to enjoy As regards the future, the Governor will not be empowered to assent to any Bill diminishing or abrogating these privileges, unless he has previously obtained the instructions of the Secretary of State, or the measure contains a suspending clause Fears have been expressed that the effect of these concessions will be neutralised by inclusion in the Order in Council of the provision that no holder of a permanent certificate, while registered as a voter, will be entitled to claim any rights, privileges or exemptions that are not common to all British subjects resident in the Island This provision in no way affects the assurance of His Majesty's Government that there is no intention of curtailing the special privileges that are now enjoyed by Indians There is no reason to think that, by friendly negotiation between the Government of India and the Government of Ceylon, the retention of existing privileges, and the extension to all Indians of concessions that the Government of India may be able to secure hereafter for Indians who do not enjoy the franchise by virtue of possessing certificates of permanent settlement, will not be achieved

Before leaving the subject of Indians overseas, I should also like to draw the attention of Honourable Members to the fact that Ministers of the Union of South Africa have decided to postpone, till the next session,

the Bill to regulate the tenure of fixed property by Asiatics in the Transvaal, which was introduced in the Union Parliament in May this year. This delay, which we warmly welcome, permits the hope that the provisions of this measure, which as you are aware has caused considerable alarm among Indians in the Transvaal, may ultimately be adjusted to satisfy the legitimate claims of the Indian community

I must now address myself to the subjects which constitute the principal and daily preoccupations of all concerned with the political future of their country I desire to speak most frankly, for the gravity of the times requires that I should place all those who hear or read my words in full possession of my thought I would remind you briefly of the background against which recent events are set During the last half century, the development of political thought in India has been a continuous process. Particular events, notably the War, quickened the pace, with the result that the value of the reforms of 1919, marking though they did a very definite new departure, and affording wide opportunity for public-spirited men to serve their country, was in some quarters soon discounted in the forward movement of political opinion One of the joint authors of those reforms had gained the confidence of political India in a way that it has been given to few British politicians to do, but even the position that Mr Montagu held in Indian hearts did not suffice to protect from disparagement the scheme associated with his name Many influences were at work, and of these the reforms were not the least effective, to make it certain that the nationalist spirit in India would develop, and that quickly, and that such development would be sought upon lines that British experience, and contact of the political classes with British education and practice naturally suggested

Outside India this movement was imperfectly appreciated , and if in India criticism of what *was* occupied more place upon the stage than constructive thought of what *might be*, Indians might, not without some justice, reply that Great Britain, preoccupied as she is apt to be with pressing problems nearer home, had been slow to apprehend how rapid a transformation was passing over the Indian outlook And so, bred of impatience on one side and lack of appreciation, mistaken for lack of sympathy, on the other, suspicion grew, aggravating as the years passed the difficulty of bringing to bear on these matters from either side the dispassionate judgment that their complexity demanded

When I came to India, I came with one dominant conception of the work which in this generation any Viceroy must set out to try to do. Amid all his duties of administration, as the head of a great Government, no Viceroy, as it seemed to me, could for one moment forget that the principal duty, which he owed alike to those on whose advice he had been called by the King-Emperor to his office, and to those whom for five years it was his duty and his privilege to serve, was to devote all his energies to the maintenance of a progressive, orderly, and contented India within the orbit of the British Commonwealth It is not necessary for me to recall the influences naturally centrifugal, at work upon the other side Differences, racial, with all that they imply in distinction of thought, differences of religion, affecting men's minds the more profoundly because their operation was more frequently in large degree subconscious differences of environment and history , all these and many more combined

[H E. the Viceroy]

to make the task of effecting and preserving true unity between Great Britain and India one which would strain the capacity of the best material on either side And yet I could feel no doubt that it was the one supreme purpose for which no effort was disproportionate

It was also evident that, looking ahead, it was hardly to be expected that India, rightly sensitive of her self-respect, and growing every year more conscious of national feeling, should of her own free will desire to remain indefinitely a partner in the political society of the British Empire upon terms which implied a permanent inferiority of status It was for this reason and with the object of removing avoidable misunderstanding on this vital matter, that His Majesty's Government last year authorised me to declare that, in their view, the attainment of Dominion Status was the natural completion of India's constitutional growth That declaration was made and stands

His Majesty's Government simultaneously announced their intention to convene a Conference, as widely representative in character as possible, in order that, after the submission of the Statutory Commission's Report, spokesmen of Great Britain and India might take free counsel together upon the measures which His Majesty's Government would later present to Parliament That Report has now been published, and I do not think that any impartial reader, whatever may be his opinion upon the actual recommendations made, will deny that the Commission have made a weighty and constructive contribution to a most difficult problem Great however as, for its intrinsic value, must be the authority of the Report, it was neither the desire nor the function of the Commission to anticipate the decisions of His Majesty's Government, reached after conference with representatives from India, or of Parliament itself Their task was described by Sir John Simon in the following words

"No one", he said, "should regard the Statutory Commission or its colleagues as though we were settling and deciding the constitution of British India Our task is very important, but it is not that Our task is that of making a fair, honest and sympathetic report to the Imperial Parliament When we have made our report, then it would be India's opportunity to make her full contribution, which is right and necessary, to her future constitution, which would be framed by Great Britain and India together"

The duty of expressing an opinion now passes to the Government of India, and just as the Commission would have failed in their duty to Parliament, by whom they were appointed, if they had not presented a report that reflected faithfully their own conclusions, so the Government of India would fail in their duty if they similarly did not approach consideration of the Commission's Report with a full sense of their own responsibility We have not hitherto been able to do more than give preliminary and tentative examination to the Report, and before reaching conclusions, I think it is right that I should have the opportunity of discussing the whole subject with some of those who can speak for non-official Indian opinion I hope to have occasion to do this with some of the Ruling Princes and representatives of the States next week, and I should propose also to invite representatives of different views and interests from British India to meet me for this purpose as may be found convenient.

I am only too well aware of the degree to which calm examination of these questions has been prejudiced by the events that have engaged

public attention during the last few months It will be remembered that, following upon my refusal to anticipate the discussions of the Conference, Mr Gandhi, in spite of my declaration of the purpose of His Majesty's Government and of the free opportunity for mutual co-operation and accord which that Conference was designed to provide, decided to launch a campaign of civil disobedience, and proceeded to use his great influence to persuade his countrymen to adopt a course of open defiance of the law. Before this reckless plunge had been finally taken, I did my best to give a clear warning of the consequences that it must involve , but the warning fell upon deaf ears That campaign has now been in progress for some three months and all of us, whatever be our judgment upon it must be conscious of the damage in countless directions that has already been inflicted Those who have identified themselves with this movement would have us regard it as a perfectly legitimate form of political agitation, to which resort is had only under pressure of regrettable necessity I cannot take that view In my judgment and in that of my Government it is a deliberate attempt to coerce established authority by mass action, and for this reason, as also because of its natural and inevitable developments, it must be regarded as unconstitutional and dangerously subversive. Mass action, even if it is intended by its promoters to be non-violent, is nothing but the application of force under another form, and, when it has as its avowed object the making of Government impossible, a Government is bound either to resist or abdicate The present movement is exactly analogous to a general strike in an industrial country, which has for its purpose the coercion of Government by mass pressure as opposed to argument, and which a British Government recently found it necessary to mobilise all its resources to resist Here it has been sought to employ more dangerous weapons even than this, and the recent resolution of the All-India Working Committee of the Congress, insidiously designed to seduce police and troops from their allegiance, leaves no longer room for doubt of the desperate lengths to which the organisers of the movement are prepared to go and gave Government no option but to proclaim the body responsible for such a resolution as an unlawful association He would in truth be a false friend of India who did not do his utmost to protect her from acquiescence in principles so fundamentally destructive

I gladly acknowledge that there have been public men who, in the face of strong opposition, have not been afraid to condemn in unequivocal terms the civil disobedience movement I could wish their example had been more widely followed After all, is it not a very dangerous doctrine to preach to citizens of India that it is patriotic and laudable to refuse to obey laws or to pay taxes ? Human nature is often reluctant to do either, and if there is anything certain, it is that, if society is once thoroughly inoculated with these noxious microbes, the disease will perpetually recur, until one day it paralyses the Indian Government of the future, which by these methods it is sought to bring into existence It may not be long before Indian Ministers are responsible, for example, for the assessment and collection of land revenue or other taxes They would have little cause to thank those who had allowed the impression to gain ground that withholding of payments legally due was a proper method of voicing general political dissatisfaction with the established Ministry

Therefore it is that I have felt bound to combat these doctrines and to arm Government with such powers as seem requisite to deal with the

[H. E. the Viceroy.]

situation I fully realise that in normal times such frequent resort by the Governor General to the use of his special powers would be indefensible. But the times are not normal, and, if the only alternative is acquiescence in the result of efforts openly directed against the constituted Government of the King-Emperor, I cannot for one moment doubt on which side my duty lies.

I have never been blind to the fact that, in the circumstances which we are considering, there would inevitably be serious clashes between the forces of Government and that section of the public which supports the movement, and that many persons would thereby unavoidably sustain physical injury From the first moreover it was certain that, during disturbances, innocent persons must at times suffer with the guilty, where this has been the case, I deeply deplore it, and tender my personal sympathy to those concerned But it is necessary to consider where the primary responsibility rests When the fire brigade has to be called in to extinguish a fire, it frequently does serious damage, but though the fire brigade does the damage none would suggest that it was responsible for the fire which was the original reason for its being called in, least of all when the fire was due to direct incendiarism No good, therefore, is done by shutting our eyes as to where the original blame must lie, and whatever criticism there may be of those whose task it is to put out the conflagration speaking generally I have nothing but commendation for the servants of Government, both civil and military, who have been doing their duty with great steadiness and courage in conditions of the severest provocation and often of direct risk to their lives Several—I speak of the police—have been brutally murdered, and in many cases they and their families are subjected daily to the grossest forms of persecution I am glad to know that several Local Governments have sanctioned for them allowances for the extra duties which they have had to perform and have not been backward in bestowing rewards for exceptionally meritorious service

The gravity of the present movement however does not deflect my judgment on the question of constitutional reform by a hair's breadth to the right or left Honourable Members know that I am not fighting civil disobedience because I lack sympathy with the genuine nationalist feelings of India I have never concealed my desire to see India in enjoyment of as large a degree of management of her own affairs, as could be shown to be compatible with the necessity of making provision for those matters in regard to which India was not yet in a position to assume responsibility

I am therefore bound at this time to keep two principal objectives in the forefront of my mind, and in this regard I wish to state my position and that of my Government in the clearest terms So long as the civil disobedience movement persists, we must fight it with all our strength, because, whatever may be the spirit by which many of its adherents may be animated, I believe from the bottom of my heart that it is only leading many of India's sons and daughters, in mistaken service of their motherland, unwillingly to expose her to grievous harm

On the other hand, so far from desiring to secure so-called victory over a nationalist movement constitutionally pursued, I desire nothing more than to be able to help India so far as I can to translate her aspirations into constitutional reality. I would ask what fairer method could be devised for this than one by which all the various points of view can

be sifted in discussion, and where, not by majority voting, but by the influence of mind on mind in daily personal contact, a sustained attempt can be made to discover once for all the more excellent way in which Great Britain and India, to the benefit of each, can walk together.

The date of assembly of the Conference has already been made public, and on behalf of His Majesty's Government I am now able to define its functions more precisely After very careful consideration, His Majesty's Government have reached the conclusion that it would not be right to prescribe for the Conference any terms more limited than were implied in my statement of November 1st last, and that the Conference should enjoy the full freedom that those words connote The Conference accordingly will be free to approach its task, greatly assisted indeed, but with liberty unimpaired, by the Report of the Statutory Commission, or by any other documents which will be before it It is the belief of His Majesty's Government that by way of conference it should be possible to reach solution that both countries and all parties and interests in them can honourably accept, and any such agreement at which the Conference is able to arrive will form the basis of the proposals which His Majesty's Government will later submit to Parliament From such a definition of the scope of the Conference, it is clear that His Majesty's Government conceive of it, not as a mere meeting for discussion and debate, but as a joint assembly of representatives of both countries, on whose agreement precise proposals to Parliament may be founded The Conference will thus enjoy the unfettered right of examining the whole problem in all its bearings, with the knowledge that its labours are of no academic kind, and His Majesty's Government still hope that Indians of all schools of thought, whatever the attitude that some have hitherto taken, will be ready to share in this constructive work I see no reason why, from frank discussion on all sides, a scheme might not emerge for submission to Parliament which would confound the pessimism of those who would tell us that it is impossible for Great Britain and India, or for the various interests in India, to reach agreement

My Government is anxious to render to the Indian side of the Conference every assistance that it can, and for this purpose has decided to place a secretariat at its disposal consisting of Sir Geoffrey Corbett, Mr Latifi and Mr G S Bajpai, whose knowledge of many different sides of administration will, I am confident, be of great value

Gentlemen, I have only a short time left of my official term of office, and I would anticipate its end by concluding what I have sought to say, rather as a friend than as Viceroy and Governor General As I look back over the time I have spent in India, I can recall no occasion on which I have consciously sought to work for anything but India's good I believe I can claim to have learnt something of the feelings that fill the hearts of many Indians of all classes and all shades of thought, who have been good enough to extend to me a friendship which I shall hope to enjoy long after I have said goodbye to India and the present troubles are left behind

India is a country the scale of whose history and physical features alike condemn those who would take small views The monuments with which her land is enriched attest the faith and perseverance of her master craftsmen, and reprove those who would believe that any other qualities can serve the constitution builder, who builds not for himself but for

[H. E. the Viceroy.]

futurity. I believe, as I have said often, that the right and the best solution of the riddle of India will be found only by Great Britain and India joining together in the search. But this demands faith, which we are at times tempted to think only a miracle could now give in the measure dictated by our necessities, and many would have us believe that the age of miracles is past Yet in India more than elsewhere there is the capacity to apprehend the spiritual power by which things apparently impossible are brought to pass, and I at least cannot doubt that, could we but recapture the spirit of mutual trust between our two countries, we should in so doing liberate invincible forces of faith to remove those mountains which have lately hemmed us round

I am in better position than others here to know the effect that would have been produced in Great Britain, if the hand of friendship that she extended last November had been generously grasped in the same spirit by those who could speak for India. Many things said subsequently on both sides would have been said differently or remained unsaid, new misunderstandings would have been avoided, and the whole setting of the problem would have been favourable to a more just appreciation of the several points of views that have to be brought to harmony It seems therefore utter tragedy that at the moment when the chances of settlement were perhaps better than they have ever been, and the stage was set for a free and unbiassed consideration of the whole problem, the party of Congress should have thrown aside the finest opportunity that India has ever had

I would hope that it might yet not be too late for wiser counsels to prevail, by which all the political thought of India might be harnessed to the task of welding into unity the elements that compose her life, and in conjunction with Great Britain devising the best means for giving constitutional expression to them Thus two roads today lie open, one leading as I think to turmoil, disunity, disappointment and shattered hopes, the other guiding those who follow it to the India of our dreams, a proud partner in a free Commonwealth of Nations, lending and gaining strength by such honourable association India to-day has to make her choice. I pray God she may be moved to choose aright

LEGISLATIVE ASSEMBLY DEBATES

THURSDAY, 10th JULY, 1930

Vol. IV—No. 3

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1930

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LEGISLATIVE ASSEMBLY.

Thursday, 10th July, 1930

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr President in the Chair

MEMBER SWORN

Mr Goswami Maheshpuri (Central Provinces Landholders)

PANEL OF CHAIRMEN

Mr. President . In accordance with the provisions of rule 3 of the Indian Legislative Rules, I announce that I have nominated the following Members to be on the Panel of Chairmen

1 Mr M A Jinnah
2 Mr M R Jayakar
3. Sir Hugh Cocke
4 Nawab Sir Sahibzada Abdul Qaiyum

THE NEGOTIABLE INSTRUMENTS (SECOND AMENDMENT) BILL

APPOINTMENT OF SIR HUGH COCKE TO THE SELECT COMMITTEE

The Honourable Sir George Schuster (Finance Member) With your permission, I beg to move that Sir Hugh Cocke be appointed to the Select Committee on the Bill further to amend the Negotiable Instruments Act, 1881, for a certain purpose

The motion was adopted

THE MUSSALMAN WAKF VALIDATING (AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE

Mr A H Ghuznavi (Dacca Division Muhammadan Rural) I beg to present the Report of the Select Committee on the Bill to amend the Mussalman Wakf Validating Act, 1913

THE BENARES HINDU UNIVERSITY (AMENDMENT) BILL.

Sir Frank Noyce (Secretary, Department of Education, Health and Lands) I move for leave to introduce a Bill further to amend the Benares Hindu University Act, 1915, for certain purposes.

*Rao Bahadur D. R. Patil (Bombay Central Division Non-Muhammadan Rural) Mr. President, I rise to support the introduction of a Bill further to amend the Benares Hindu University Act, 1915, for certain purposes The object of the Bill is really laudable, as it aims at strengthening the financial administration of the Hindu University by the formation of a Standing Committee that will examine the resources of the University and put a check on the application of the funds at the disposal of the University Government have taken the right step in introducing the Bill in the financial interests of the University .

The Honourable Sir George Rainy (Leader of the House) Is the Honourable Member in order in objecting to the introduction of the Bill at this stage ?

Mr. President : He is not objecting He is a new Member and wants to support the Bill I should not like to stop a new Member when he wants to make a speech

Rao Bahadur D R Patil : The Government of India have resorted to this legislation after consulting the Vice-Chancellor and the Court of the Benares Hindu University Some other changes are proposed by Government in accordance with the wishes of the Pro-Vice-Chancellor. So, I think there will be no opposition from this Assembly to the introduction of the Bill

Mr President : The question is

" That leave be given to Sir Frank Noyce to introduce a Bill further to amend the Benares Hindu University Act, 1915, for certain purposes "

The motion was adopted

Sir Frank Noyce : I introduce the Bill

DEMANDS FOR SUPPLEMENTARY GRANTS.

MISCELLANEOUS

The Honourable Sir George Schuster (Finance Member) . I beg to move

" That a supplementary sum not exceeding Rs 2,66,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1931, in respect of ' Miscellaneous ' "

Inadequate and Unsatisfactory Suggestions and Recommendations of the Indian Statutory Commission

Mian Mohammad Shah Nawaz (West Central Punjab Muhammadan) Sir, I beg to move that the Demand for a supplementary grant of a sum not exceeding Rs 2,66,000 in respect of ' Miscellaneous ' be reduced by Rs. 100 †

Sir, the Report of the Indian Statutory Commission has been published, and it would be idle to deny that it has created difficulties in the way of those who, on both sides, are working for peace. Political India

* Speech not revised by the Honourable Member

† (Inadequate and unsatisfactory suggestions and recommendations contained in Volume II of the Report of the Indian Statutory Commission and their probative value as part of the material to be discussed and considered by the coming Round Table Conference)

as a whole has condemned the recommendation of the Commission as inadequate and unsatisfactory I maintain, Sir, that no constitution framed by any Commission or by the British Government would be of much value, if it did not have behind it, the goodwill of those who would be willing to make it function Judged by this test, I have no hesitation in saying that the recommendations and suggestions contained in Volume II of the Report are inadequate, disappointing and unsatisfactory Now, Sir, the outstanding features of the Report of the Indian Statutory Commission are the ultimate constitution of India on a federal basis, the constitution of the provinces, the constitution of the Central Government and of the Army I agree that the ultimate constitution of India should be a federal union, because in a sub-continent like India which comprises over 300 millions of people, which consists of so strange and unusual a collection of autonomous states, democratic provinces and backward tracts under the Central Government, no other constitution is possible But I beg leave to point out that the Commissioners have postponed the completion of this federal union for an indefinite period. They might have recommended that the Federal Union could be started in British India, with autonomous provinces as units They should also have either recommended, or at least suggested to the Ruling Princes, that they should have, in their respective States, Legislative Councils, on the lines of the Legislative Councils of major provinces of British India

Mr President . I understand this Demand is required for expenditure in India in connection with the Round Table Conference I want the Honourable Member to let me know how he connects the Simon Commission's Report with the expenditure in India about the Round Table Conference We cannot deal with the Simon Commission's Report in this way

Mian Mohammad Shah Nawaz : I will explain I understand the Round Table Conference is to be convened on or about the 28th October.

Mr A H Ghuznavi : 20th October

Mian Mohammad Shah Nawaz . This expenditure is in respect of the Round Table Conference

Mr. President . In India.

Mian Mohammad Shah Nawaz . Of course in India, and further under next Demand also in England But what would be the functions of the Round Table Conference ? The functions of the Round Table Conference would be to discuss the Simon Report along with other material that may be brought to their notice

Mr. President : Order, order That is not the analogy I think the Honourable Member can raise all these points when he discusses the question of the expenditure in England, because all these questions will be raised at the Round Table Conference in England , this has nothing to do with the expenditure which will be incurred by the office in India.

Sir Hari Singh Gour (Central Provinces Hindi Divisions Non-Muhammadan) Sir, may I suggest that, if the Honourable the Leader of the House would direct that we might have a general discussion on the whole question connected with the Round Table Conference and not excluding the Simon Commission's Report and the Central Committee's

[Sir Hari Singh Gour.]

Report and the other schemes on the Report which have been published or are about to be published in connection with the future constitution of India, and if Honourable Members on both sides of the House are thus enabled to have this unfettered right of expressing their views and ventilating their grievances in connection with the policy of the scheme, then the Government would be in possession of what is the central idea underlying the various speeches of Members of the various groups of the House, and then, Sir, you might limit, in connection with the cuts, the discussion to any particular item which any Honourable Member may wish to express his views on We may recall, Sir, the procedure that has been followed in connection with the general discussion on the Budget every year. We have a general discussion, and after that we descend to particulars and confine our speeches to the particular grievance on the basis of which that particular cut is recommended I suggest, Sir, that it would be to the convenience of the House if that procedure is followed also to-day

The Honourable Sir George Rainy (Member, for Commerce and Railways) Sir, I may say that if in your discretion you regard it as expedient and generally to the convenience of the House that the procedure suggested by my Honourable friend, Sir Hari Singh Gour, should be followed, I should not offer any objection, but the nature of the cut which has been moved by my Honourable friend, Mian Mohammad Shah Nawaz, is such that it really raises the same question, raised by the supplementary vote itself and it seems to me that it would be impossible for speakers in discussing this vote to avoid frequent reference to the Report of the Royal Commission and an explanation of their views about it I shall certainly take no objection, subject to your ruling, to any discussion or reference to the Report of the Statutory Commission in the course of the debate Whether we should have a general discussion on the Demand itself or on a particular cut is a matter in which I wish to place myself entirely in the hands of the Chair

Mr President : Order, order I think the analogy of the general debate on the Budget cannot be followed on this occasion, because on a supplementary grant, as has been the established practice of this House, and for which there are several rulings of both the previous Honourable Presidents of this House, questions of policy cannot be discussed Well, on this particular occasion, I have allowed the debate on the question of policy, simply because this grant was not contained in the original Budget The demand for the Round Table Conference was not contained in the original Budget and therefore the Chair has allowed a discussion on the general policy But of course the analogy of the discussion of the General Budget cannot be followed here because there you can discuss the whole policy of the Government, while on this Demand there would be only a very restricted discussion on the policy of the Government as regards the Round Table Conference Now this Demand, as I have already pointed out, refers to expenditure in India, and I think it would be better if the question of the policy of the Round Table Conference were to be discussed on Demand No 85, where it would be more relevant I think the discussion on this Demand should be restricted to the expenditure for which this Demand is required

Mian Mohammad Shah Nawaz With all due deference to you, Sir, Demands Nos. 75 and 85 cannot be separated It is a difference without distinction It is true that the Round Table Conference is to be convened in London It is true that expenditure is to be incurred in India as well as in England and I submit that the recommendations of the Simon Commission can be discussed either under Demand No. 75 or Demand No 85 I respectfully submit there is no difference at all between the two Demands

Mr President . I think I have expressed my view on the subject, and I do not want any more discussion about it I think on this Demand the Honourable Member should confine his remarks only to the Demand under discussion and the general discussion on the policy of the Government we will have on the next Demand

Mr M K Acharya (South Arcot-*cum*-Chingleput Non-Muhammadan Rural) On a point of order, Sir What would be the kind of amendments which you would rule as admissible under this Demand, if we are simply to deal with the expenditure in India and are not expected to go into the purpose of the expenditure ? I might submit that the expenditure in India will be incurred only on people going to the Round Table Conference What kind of amendment would you allow under this Demand ?

Mr President : If a discussion is raised on the expenditure which will be incurred in India then, a discussion on that subject will be quite relevant under this Demand

Mr C S Ranga Iyer (Rohilkund and Kumaon Divisions Non-Muhammadan Rural) Sir, I gathered from your remark, that, when the next item is taken up, you would consider if the Simon Commission's Report could be gone into I submit, Sir, that it is the custom in this House for Members to judge the purpose and object of an amendment from the brief statement of the Mover of the amendment, mentioned within brackets We have the advantage in the present motion that the Mover has specifically raised the debate to discuss the Simon Report in the light of the Round Table Conference In the next amendment of Mr Acharya, the words mentioned in brackets are " Inadequate information regarding the function of the proposed Round Table Conference and the status of Indian delegates thereto " We have adequate information alike from H E the Viceroy's and Mr Benn's statements that the Simon Commission's Report will be one of the subjects to be included in the discussions of the Round Table Conference Therefore, the discussion, however cursory on the Simon Report, cannot be taken up under the next item but under this, and it would be more convenient for Honourable Members if you, Sir, can reconsider your ruling.

Sir C P Ramaswami Ayyar (Tanjore-*cum*-Trichinopoly Non-Muhammadan Rural) Sir, we are not discussing Mr. Acharya's amendment as I think that amendment is not now before the House

The Honourable Sir George Rainy . Sir, may I make a suggestion for the convenience of the House ? The Government attach importance to what has fallen from the Chair as to the vote upon which a discussion can most suitably take place It would be very unwilling to create a precedent which would involve a departure from sound principle.

[Sir George Rainy]

But the occasion is a rather exceptional one, and what I venture to suggest for the general convenience of the House is that you, Mr President, might authorise a single general discussion on one of the votes But this is a matter which is entirely within your own discretion

Sir C P Ramaswami Ayyar : Mr President, while I bow to your ruling, may I take the opportunity to indicate exactly the scope of the two Supplementary Demands? Supplementary Demand No 75 is required for expenditure in India in connection with the Round Table Conference to be held in London in October next, the expenditure to be shared between Home and Indian revenues Therefore it will be remembered, Mr President, that this amount will be shared between Home and Indian revenues That is a feature which may perhaps be borne in mind in coming to a conclusion whether it is necessary to keep in water-tight compartments the discussion on this grant and on the following grant Of course, for the purpose of convenience of debate, it might be more expedient to limit the general discussion either to this grant or to the other grant, but may I, Mr President, join with the Leaders of Parties in suggesting to you, as a matter of general convenience, that the matter is so interconnected that it is not possible to separate Demand No 75 from Demand No 85 It may therefore conduce to the convenience both of the House and of the Chair if a general discussion takes place with reference to all the aspects of the matter and a solid and single vote is taken on it

Mr President If this is the general wish of the House, I have no objection In fact, I had thought that the Leaders of the various Parties would come to an agreement on this question and that they would give me this morning some agreed proposals. I was expecting them to tell me on what Demand they would like to raise the general debate If, however, it is the general opinion of the House that the general discussion on both the Demands may be taken on one item, then I will allow the general discussion to take place only on this Demand, and it must be clearly understood that the same discussion will not be raised again when Demand No 85 is under discussion

Mr M A. Jinnah (Bombay City Muhammadan Urban) Sir, with very great respect, I do not quite endorse the statement that fell from the Chair that it is for the Leaders to come to agreement with regard to any point of order It is entirely for the Chair to decide, and when a point of order is raised, it is entirely for the Chair to give the ruling

Mr. President In any case, I will allow Mr Shah Nawaz to go on

Sir Hari Singh Gour Do I understand you aright that you have allowed the general discussion now under this head ?

Mr President Yes

Mian Mohammad Shah Nawaz As regards the constitution of the provinces the Commissioners think that they have given us provincial autonomy and they claim liberality for their proposals in this respect. It cannot be denied that there is a great advance Dyarchy, which has been condemned throughout India and England, goes; and its place is taken by a unitary system of government, with Ministers in charge of all the provincial subjects with joint responsibility to the Legislature. The size of

the Council is very largely increased, and the voting strength is trebled. But if you go deeply into the matter, you will see that this provincial autonomy is not real and undisguised autonomy in the real sense of the term. It is not a complete provincial autonomy in which the powers of the Ministers would be unfettered The powers of the Governor are still very wide In fact, all the powers are centralized in him He can select his Ministers, who will hold office during his pleasure In the Ministry are to be included one or more officials The word "more" is a very vague expression, it may mean two or it may mean three I submit that the inclusion of the official Ministers in the provincial Cabinet is a step in the wrong direction It is without precedent These official Ministers would be influencing the decisions of the joint Ministry These official Ministers would probably be in charge of law and order and finance The House must remember that the Commissioners say that, in the event of a vote of no confidence being passed against the joint Ministry, these official Ministers can be reappointed on a new and reconstituted Ministry. This really means that the dyarchy remains in substance though, in form, it has been discarded I submit, Sir, that the inclusion of the officials in the Ministry is entirely against the weight of the evidence that was placed before the Commission The Central Committee and all the Provincial Committees, except the Committee of the Bombay Presidency, which were co-opted with the Simon Commission, have emphatically expressed their opinion that the Ministry should be without the officials At least three Provincial Governments have said that the Ministry should be chosen from among the elected Members But before selecting them, the Government should sound the opinion of the Council as a whole Sir, I say without any hesitation that the official element should be eliminated The official element should be eliminated because a Ministry which has one or two officials will not be working well The timorous and subservient Ministers, as some of them no doubt are will do what the official Ministers will tell them to do An official Minister, who cannot be removed and can be reappointed, will always defy the wishes of the Legislature

I now come to the overriding power of the Governor The learned Commissioners lay down that the Governor can override the Ministry for two important purposes, namely to preserve the safety of the province and the public tranquillity, and also to protect the rights of the minorities I submit that, when you are making the Ministry responsible to the Legislature, no power should be given to the Governor to safeguard the public tranquillity Ministers are the only persons who should see whether certain legislation or a certain ordinance is desirable or not To this extent the overriding power, in my humble judgment, should be taken away from the Governor I do admit that there are strong grounds for retaining overriding powers in the hands of the Governor in the interests of the minority

I now pass on to the emergency powers of the Governor, which are given in paragraph 65 of Volume II of the Report. I think, with slight modification, the emergency powers must be retained, because these emergency powers are to be exercised in the event of a breakdown, in case the Governor comes to the conclusion that he cannot carry on the Government. In that case, it is quite right that he should take over the administration of the Government in his own hands and appoint delegates and assistants to help in the discharge of this responsible and onerous duties. But the Commission goes on to say that these emergency powers

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can be exercised by the Governor for about twelve months I submit that that is a very long period, the emergency powers should be restricted to a period of six months only Sir, while I am discussing the constitution of the provinces, I desire to place before the House the case of the North West Frontier Province and Baluchistan The Commissioners admit that the inhabitants of the North West Frontier Province are as intelligent and as clever as the people of the other provinces They also say that if there is a deficit in the finances of the North West Frontier Province, that can be met by a grant-in-aid from the Central Government That solves the financial difficulty They give to the North West Frontier Province a Legislative Council which is only a Council in name It is no Legislative Council at all, it is an advisory body, probably worse than a District Board of any district of the Punjab

They say that this Council should consist of 40 Members, out of which 20 are to be elected and 20 are to be selected by the Chief Commissioner Out of the 20 that are to be elected, there are to be (*a*) representatives of the Khans from a special constituency, (*b*) Members to be elected by the Municipalities and District Boards, (*c*) ex-soldiers, to be elected presumably by ex-soldiers I have never understood why there should be a special constituency for the Khans I must confess to you, Sir, that I do not believe in Khans, and Nawabs, I only take my place as a commoner Why should these Khans be elected from a special constituency ? If these Khans are the real representatives of the people, as they pose to be, they should seek election from the commoners and not from a special constituency consisting of Khans and some big landlords

An Honourable Member Why not ?

Mian Mohammad Shah Nawaz The Honourable Member is neither a Khan nor a Nawab The days of Khans and Nawabs are gone They must secure the goodwill of plebeians The Khans have no business to be elected by a special constituency at all They should seek election from the general constituencies as is the case in other provinces Again, why should a certain number of the Members be elected by Municipalities and District Boards ? The franchise in the North West Frontier Province should be widened, as wide as in other provinces Again, Sir, what is the meaning of having a constituency for ex-soldiers ? I do not understand how ex-soldiers are superior persons to civilians No doubt in times of war, they may be formidable persons, persons, on whom we rely for the defence of the country, but no invidious distinction need be made between the ordinary citizens and ex-soldiers Further the Commissioners recommend that the Chief Commissioner should preside over the deliberations of this moth-eaten form of legislature Why should he preside over the deliberations of this Council ? Obviously the presence of the Chief Commissioner would be restraining the members from the exercise of independent judgment He should not be allowed to preside over the deliberations of the Council Sir, the main reason given by the Commissioners for not granting a full fledged constitutional reform to the North-West Frontier Province is that the inherent right of a man to smoke a cigarette must necessarily be curtailed if he is living in a powder magazine I respectfully submit, that this analogy is unfair. To begin with, it is not the inherent right of everybody to smoke or drink My Honourable friend Sardar Gulab Singh and my Mussalman friends

would seriously object to smoking of cigarettes Again it is assumed that the inhabitants of the North West Frontier Province are living in a powder magazine I submit they are not The North West Frontier Province is not so bad I am stating my view about the settled districts and not of the tribal area Sir, I maintain, and I say emphatically, that the people of the North West Frontier Province are not unruly and they are not living in a powder magazine The inhabitants of five districts are living peacefully and calmly Then, Sir, I submit, would it not be better that the powder magazine should be guarded by happy and contented guards ? If the guard is unhappy, if he is discontented, he may set fire to the magazine We all know that the defence of India really depends upon the goodwill, on the well being and on the contentment of the people of the frontier The people of the frontier have unanimously demanded that they should have full fledged constitutional reforms on the lines of the other provinces I am told by a very reliable authority that the present disturbances in Peshawar were due to the fact that the reforms were withheld from the people of the frontier (Hear, hear) We must give a full-fledged constitution for the frontier people It is a demand of the Mussalmans, the Hindus, and the Christians, all alike It is an all-India demand It is the demand of the Congress It is a demand of the Muslim League It is the demand of the All-Parties Muslim Conference There is no reason why full-fledged constitutional reforms should not be given to this province

Mr M R Jayakar (Bombay City Non-Muhammadan Urban) On a point of order, Sir Was it your ruling that this was a fit opportunity for discussing the merits and the details of the Simon Commission's Report ?

Mr. President That seems to be the general opinion of the House

Mr M R Jayakar May I mention that this is a cut relating to the expenses of the Round Table Conference ? The Simon Commission's Report comes in only incidentally A certain amount of reference to the Simon Commission's Report is inevitable But may I submit that this is not a proper opportunity for considering the merits and details of the proposals contained in the Simon Commission's Report because that is only very remotely connected with the subject before the House

Mr President As the Government have no objection to deal with all these questions of policy, I do not think that I should restrict the debate

Mr M. A Jinnah The point is not whether the Government have any objection I am very sorry that there seems to be some misunderstanding on the point The point is not whether the Government have any objection or no objection The point is not whether any other body has no objection or any objection The point I should place before you, if you give me the opportunity, is this There is not the slightest doubt that the grants before us are grants which we are asked to vote for the expenditure of the Round Table Conference , nothing else What has that got to do with the Simon Commission's recommendations and their merits ? That is the first question I will read to you, Sir, .

Mian Mohammad Shah Nawaz Sir, can the Honourable Member raise this objection when I am in the middle of my speech ?

Mr. M. A Jinnah : Demand No 75 says this

" This is required for expenditure in India in connection with the Round Table Conference to be held in London in October next for the purpose of considering the forthcoming general constitutional revision The expenditure will be shared between the Home and Indian revenues The total cost from the Indian revenues is estimated at Rs 6,31,000 of which Rs 5,44,000 is voted, Rs 2,66,000 to be incurred in India and Rs 2,78,000 in England under the control of the Secretary of State for India. The Standing Finance Committee has agreed "

This is Demand No 75 What has this got to do with the Simon Commission's proposals and their merits ? Or any other Commission or any other document ? The Simon Commission's Report is one of the documents which will be considered by the London Conference like any other document It may be an important document, but nothing more Are we called upon now in this House to discuss the recommendations of the Simon Commission in connection with a Demand of this character which has nothing whatever to do with the Simon Commission ? It is not a question whether Government have any objection or not Government may have their own object in not objecting to it,—but we on this side of the House have the strongest objection to this irregularity, and feeling as we do, we can only appeal to you to give a ruling If you agree with us, you should give a ruling that this discussion is out of order

Sir C. P Ramaswami Ayyar Mr President, very little is needed to enforce what has fallen

Mr President Order, order I will not allow a discussion on this point of order Of course Mr Jinnah was not in the House when this point was raised by the Chair itself at the beginning of the debate I read out this Demand, and I then explained what Mr Jinnah has explained just now, and I found that it was the general wish of the whole House, official and non-official, that an opportunity should be afforded to the Members of the House to discuss the Simon Report on this cut , (*Voices* : " No, no ") at least that is what I understood the general desire to be Sir Hari Singh Gour got up and he said the same thing The Honourable Sir George Rainy got up on behalf of the officials and he said that they had no objection if the policy of the Simon Report was discussed on this Demand Therefore, in compliance with the wishes of the majority of Members of the House, I thought it would be better if I allowed the Honourable Members to say what they have got to say about the Simon Report and other things connected with the Round Table Conference, and I cannot go behind that ruling now If the Honourable Member had been in the House at that time, probably he could have induced other Honourable Members to agree with him, but now as the discussion has been started, I cannot go behind that ruling. At the same time I would request Mr Shah Nawaz not to go into the very minute details of the Simon Report It would be better if the Honourable Members would only refer to the policy of the Report in a general way and also to the other matters regarding the constitutional advance of India But it would certainly be a misuse of the privilege of speech if the Honourable Members go into minute details of the Simon Report in this discussion

Sir Cowasji Jehangir Sir, I am raising a new point of order This is a cut for Rs. 100 on the Demand as a censure for the contents of the Simon Report If that is in order ..

Mr President Order, order That point was raised and a ruling was given I cannot reconsider my ruling three or four times

Mr M. A. Jinnah Sir, I am sorry I was not in the House when this point was raised But I gather from what you said just now and I was under the impression that the Chair would probably rule it out of order But you said you did not rule it out of order because you felt that there was a general desire to adopt that course That impression may have been created in your mind, but that is not correct There has been no such general desire, because we think that this is totally irrelevant. Not that we are afraid of discussing the Simon Report and expressing our views on a proper occasion But in order to correct a misunderstanding I must say that there was no such general desire on this side of the House at least You yourself felt that this was not in order, but as there was no serious objection raised, you allowed it But I am pointing out to you now most emphatically that that impression was not correct Surely it is open to you to say that, if serious objection is raised, you will give your ruling that it is out of order and if it is out of order, no amount of general desire in this House can make it in order

Mr. President I think it is not totally out of order The Honourable Member will remember that His Excellency the Viceroy in his speech here last evening said that in the Round Table Conference all the schemes and documents, including the Simon Report, will be considered, and if these documents are to be considered at the Round Table Conference, I do not think that a reference to or a general discussion of the Simon Report will be totally out of order on this Demand I do not want to prolong the discussion on this point, but as I have already said, Honourable Members, in making their speeches on this Demand, should restrict themselves to general observations on the Simon Report and should not go into the minute details of the recommendations of that Report

Mr M R. Jayakar Sir, I was also not present when this point was raised, otherwise I would have pointed out that there was no general desire on the part of the Party which I represent to have a discussion on the merits of the details of the Simon Commission's Report on this cut The desire of my Party was just the other way. Of course a certain amount of reference to the Report is inevitable, because it is part of the material to be put before the Round Table Conference, but I do submit that you should give a ruling that nothing more than a general discussion of the Simon Report would be allowed on this occasion and that a minute discussion or a criticism of the detailed recommendations of the Report would be entirely out of place

Mr. U N. Sen (Bengal Nominated Non-Official) Sir, may I inquire why three days have been allowed for this discussion?

The Honourable Sir George Rainy May I have your permission, Sir, to explain in one or two sentences the attitude of Government? What Government felt is, as my Honourable friend the Leader of the Opposition has said, that it is impossible, in discussing this vote, to avoid all references to the Statutory Commission's Report. To give a simple example, it is perfectly open to an Honourable Member to argue that he considered that the Statutory Commission's Report was so thoroughly bad that this money ought not to be provided. Equally clearly it is open to another Member to say that the Report is good and therefore the money

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ought to be provided, or that, even though he disapproved of many parts of the Report, yet nevertheless the money ought to be provided, and that I understand is generally the line taken by the Honourable Mian Shah Nawaz

Mr. M. A. Jinnah That has nothing to do with the Simon Commission

The Honourable Sir George Rainy I thought he was developing that point But certainly, Sir Government also feel that there must be some limit to the discussion on those points , and it is entirely within the discretion of the Chair to decide whether or not a particular speaker kept himself within reasonable limits

Dr Nand Lal On a new point of order, Sir

Mr. President Let me decide this point of order first I think, in the light of the discussion that has just taken place, Mian Mohammad Shah Nawaz might go on with his speech

Mian Mohammad Shah Nawaz Thank you, Sir I did not think I was going into a detailed criticism of the Simon Commission's Report, because if I were to do so I might take two full days , but I am not going to do that I was referring to the reforms proposed for the Frontier Province Sir, the Commission has given no Minister to the Legislative Council which they desire to establish in the Frontier Province , the Members of the proposed Council are simply to discuss Bills and motions and the Demands for Grants which are to be presented by the Financial Secretary No subjects are transferred to the control of a Minister or Ministers Obviously this sort of reforms are very inadequate and disappointing As I say, the demand of all India is that the Frontier Province should be given full-fledged reforms on the lines of the major provinces of India In short, I have no use for the moth-eaten reforms which are proposed by the Commission for the Frontier Province

With your permission, Sir, I will now pass on to the case of Baluchistan I need not enter into the details of the reforms which the Commission has recommended for Baluchistan, because they have given no reforms Their argument is very strange indeed It is this that it can safely be said that the Baluchis do not require any alteration in the existing system In a few lines they dispose of this very important question of reforms in Baluchistan The learned Commissioners tell us that the Baluchis do not want the reforms Sir, I doubt whether this statement of fact is correct I know the Baluchi Sardars very well They do want an elective system to be introduced in Baluchistan Sir, if Baluchistan is a part and parcel of India, and if we must hold Baluchistan for the defence of India, it cannot remain stationary , either it must go backward or go forward , and as it is unthinkable to go backward, is it not advisable to go forward ? I know how the present *jirga* system works in that province Sir, I can say without any fear of contradiction that the *jirgas* simply endorse the decrees of the Chief Commissioner It is no system at all , I know the *jirga* system , I know how it works on the frontier, and I know how it works in Dehra Ismail Khan, Dehra Ghazi Khan and in Baluchistan too It is an old old system, good for nothing Surely, Sir, Baluchistan must progress and Baluchistan must be given some sort

of reform If you do not want to give a full-fledged constitution to Baluchistan, then start with some sort of reforms But it is no use saying that the Baluchis are gypsies and nomads and they do not want any alteration in the existing system Baluchistan is surrounded by countries which enjoy the benefit of the modern elective system There is no reason why Baluchistan should be deprived of reforms if they are good With all due deference, the reasoning of the Commission is not correct, and I submit that some sort of reforms must be given to Baluchistan and we must make a beginning, but it should be substantial

Sir, now I come to the constitution at the centre. Sir, it must be admitted that the Commission have proposed no change of any value in the Central Government The Viceroy is still supreme, as a matter of fact his powers are enlarged It is true that he can select his Executive Councillors from among the Members of the Assembly and the Council of State, but there is no statutory obligation laid on the Governor General to select so many Members or all Members of his Cabinet from the elected Members of the Central Legislature Sir, the Government of India, with an irremovable executive, faced with an elected majority is neither strong nor dignified No constitution will work unless it has goodwill behind it and an autocratic Government of India would have little driving force behind it Sir the unanimous demand of India—and I believe there is no dissentient voice now—is to proceed along the lines of an immediate Dominion Status in the Central Government, with reservation in respect of the Army, foreign affairs and Indian States, and it is only by proceeding along these lines that a solution of the present difficulty can be found Sir, it is a fact that the Liberals, the Muslims, the Sikhs and all others, barring the Congress, have agreed that all subjects in the Central Government except the Army, the Indian States and foreign affairs must be transferred to the control of Indian Ministers, as stated above

Then, Sir, these learned Commissioners recommend indirect election to the Assembly, that is to say, the Members of the local Councils are permitted to elect Members to the Legislative Assembly I am not aware, Sir, of any federal system in which there is indirect election to the first House The United States of America consist of as many as 48 States and they have direct election In all federal systems in Canada, and outside the British Empire—in Brazil, and in Germany—there is a system of direct election. There is no reason why direct election, which now prevails, should not be maintained Sir, I submit that if Members to the Assembly are to be elected by an indirect method, demoralising tactics will be employed in the local legislatures, and the non-official Ministers, and—if I may have the liberty of saying so—the official Ministers, would be sending those men to the Assembly who would be safe from the point of view of the Government In short, the result of this proposal of the Commission will probably be—they will forgive me for saying so—to kill the independence of the Assembly Further, according to mathematical calculation, if a candidate were to secure the first eight votes from Members of the Provincial Legislature, he would surely be returned to the Assembly. He would hardly be called a representative of the public. Sir, I do not believe in an election by the elected

12 NOON

Coming to the Army, I find, the proposals of the Commissioners are extremely disappointing and unsatisfactory The Army is for many many years to come to be

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placed beyond the control of the Legislature It will wear the complexion of an army of occupation, forced upon the people of India to keep them in bondage. And India will have to pay 50 or 55 crores without question to England for the up-keep of the Army, without having the right to utter a single word about it. But if the Commission thought it advisable to put the Army in the hands of Agents of the Imperial Government, I think that they should transfer every other subject to the control of the Central Legislature except the Army When I read the first volume of the Report, I thought that the idea of the Commissioners was to have an Imperial Army in this country with the Viceroy as its head, acting in conjunction with the Commander-in-Chief, I believed that the Commissioner's earnest desire was to establish an Army of Dominion pattern under the control of an Indian Minister in the Central Legislature But when I read the second volume, I observed an entire change of front The Commissioners make no suggestion of any kind as regards the Indianisation of the Army They do not go into the recommendations of the Sandhurst Committee, they neither approve nor disapprove of the recommendations of that Committee They express no opinion as regards the eight units scheme They say nothing as regards the establishment of an Indian Sandhurst in 1933 They leave the question of the Indianisation of the Army untouched And yet the Commissioners say that the question of the Indianisation of the Army must be faced I humbly submit that they have not faced it, and we must face it How are we going to Indianise the Army? That is the most important question, and that is the acid test of the bonafides of Great Britain, because if the Army in India is not to be Indianised speedily, all talk of Dominion Status is humbug Dominion status without the speedy Indianisation of the Army would be incomplete and possibly a great hoax Sir, the important problem of the Indianisation of the Army can no longer be shirked. It must be faced and has got to be solved without further delay Sir, I do hope that the Government of India will recommend a good scheme for the Indianisation of the Army, and in the absence of any scheme, they will recommend that the recommendations of the Indian Sandhurst Committee should be given effect to in their entirety

Sir, with your permission, I now come to the services

Mr. M. A. Jinnah: Is there no time limit to-day, Sir?

Mr. President: I am afraid not.

Mian Mohammad Shah Nawaz: Sir, I know there are some Honourable Members who are impatient.

They think that the Simon Report should be ignored and that it should be cast away, because it is unlookable That is not a correct attitude The Report is before the public. No doubt, the recommendations contained in the Report are disappointing, they are halting and unsatisfactory, in some respects they are retrograde in character; but they are to be considered very carefully. The Report naturally carries weight in the eyes of many Britishers We must discuss it, and point out where the defects are I do not agree with those Honourable Members who hold the view that there should be no discussion on this Report and

that it should be ignored It cannot be ignored I feel, Sir, that I am entitled to express my opinion on all the important problems concerning India which are embodied in the Report of the Indian Statutory Commission.

Now, Sir, coming to the question of the security services, I mean the Indian Civil Service and Indian Medical Service, I find that these services are still to remain under the control of the Secretary of State. That is in a way negation of provincial autonomy But the part to which I seriously object is that the Secretary of State can employ these services in such numbers and in such appointments as he pleases In my judgment, the provinces should be the masters in their own territories and they should have the power to say, " We will have so many members of the Indian Civil Service or Indian Police Service, and no more ".

Then, Sir, as regards the fiscal autonomy convention which is said to exist in action, the Commissioners' proposal is actually retrograde On the one hand they say that they do not want to suggest any change in the fiscal autonomy convention , but on the other hand they do make a change Let me, Sir, read out to you a passage from page 306 of their Report It runs thus

" But delegation by ' convention ' with the purpose of transferring responsibility in some measure to the Legislature raises different issues The criterion should be, not whether an authority subordinate to the Secretary of State is in agreement with the Legislature but whether the interests at stake are of such a character that His Majesty 's Government could waive or suspend its constitutional right to make the final decision On this view the decision whether the will of the Indian Legislature is to prevail is one for the Secretary of State, or if need be, for His Majesty's Government, to take, after giving the fullest weight to the views of the Government of India, and before the proposal is put to the Legislature A convention which sets the Government of India and the Legislature in opposition to the Secretary of State is constitutionally unsound and can only weaken the Government of India in the end "

It is quite clear that the fiscal autonomy convention goes, in practice, by the board.

I admit there are several favourable points in the Report These are—(1) Provincial autonomy, which should be made real by eliminating the official element from the Ministry and by restricting the overriding powers of the Governor, (2) Enlargement of the sizes of the Provincial Councils and Legislative Assembly, (3) Extensive franchise in the provinces both to men and women, (4) a share of the provinces in the income-tax revenue with a view to developing the nation-building departments, (4) probability of having Executive Councillors from among the elected Members of the Central Legislature, (5) Establishment of a Public Service Commission in the provinces, (6) Separate representation to Muslims

Sir, I would be failing in my duty if I did not put forward the demands of the Muslims of India Those demands are given in the resolution of the All-Parties Muslim Conference, which was passed at

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Delhi on the 1st January, 1929 Therein we say that the Muslims of the Punjab and Bengal should be given a majority in their Legislative Councils, on a population basis At any rate they are entitled to 51 per cent representation We also claim a specified share in the Services, that Sind should be separated, and that full-fledged reforms should be given to the North-West Frontier Province and Baluchistan Those demands we have now reiterated in a resolution passed by the Working Board of the All-Parties Conference held at Simla on 5th July, 1930 I am glad to find that the Muslims have also come to the conclusion that all subjects in the Central Government excepting the Army, Indian States and foreign affairs should be transferred to Indian Ministers Sir, I am afraid, these demands of the Muslims are not met by the Report of the Statutory Commission

Sir, I now come to the Round Table Conference (*Some Honourable Members* "Hear, hear") (*An Honourable Member* "The real point") In my humble judgment, the invitation to the members of the Round Table Conference who will eventually go should be couched in such terms that it should assure the co-operation of intelligent and representative Indian leaders, including a requisite number of Muslims If that is not done, I am afraid the Round Table Conference may not be a success If the Congressmen are not going to join the Conference unless certain terms are agreed to in advance, and if Government are not going to hold out the olive branch to them unless and until the civil disobedience campaign is called off, then I submit that all others, namely, the Liberals, the Muslims, Sikhs, and so on, should join hands and come to a decision that they will participate in the Round Table Conference They should draft a constitution for India I am glad that His Excellency the Viceroy has allayed the situation to some extent. Sir, we can safely trust the sincerity, earnestness and generosity of His Excellency the Viceroy and Mr Wedgwood Benn Sir the fact remains that there will be a free discussion at the Round Table Conference The proposals of the Simon Commission are proposals of seven gentlemen who were selected by the Conservative Government It is now our right to put forward our own proposals for immediate Dominion Status or for the "substance of Independence" if you like, or for immediate Dominion Status with reservations in respect of the army, foreign affairs and the Native States with a view to arriving at the greatest possible measure of agreement and a lasting settlement between Great Britain and India Sir, I submit that an alliance between Great Britain and India will very greatly promote the cause of universal peace and humanity Sir, with these remarks, I move my cut

Dr Nand Lal (West Punjab Non-Muhammadan) I must confess that, on account of the wisdom which the Treasury Benches have shown to-day, they have got two most important and vital questions confused I wish the discussion had been separate on the two most essential questions, but in obedience to the order which emanated from the Chair—every one of us is bound to obey and bow to it—and in compliance with that order, I propose to raise certain points and offer certain remarks with reference to this motion which has been moved

To begin with, I shall take the point relating to the Round Table Conference to which really this motion seems to be confined It has been repeated over and over again that this Conference will arrive at some points which will be favourable to India Those hopes have been set forth on various occasions, but I am sorry to say that the constitutional advancement and rights which will be conferred on India have not, as yet, been particularised and definitely characterised, excepting the very encouraging announcement which was made yesterday by His Excellency the Viceroy, which appears to be some advance indeed But, apart from that, all of us are in the dark as to the achievement we shall make in consequence, or by virtue, or by the assistance, or help of this Round Table Conference

Sir, you are better aware than my humble self that the expenditure of money is directly concerned with the purse of the people, and the people have got a legitimate right to see that their voice in connection with the expenditure of money is heard and respected Is there any provision made, any hint thrown out, or any suggestion made that the public will be consulted so far as the choosing or selecting of members of the Round Table Conference is concerned ? If not, what right has this House got to make the grant ' The people are the custodians of the purse We are the representatives, namely, the elected Members, and we have, thus, not to put forward only our own views, but also the views of the people which have been expressed through impartial organs, namely, the Press and other channels Irrespective of my personal opinion, I have to do my duty as the pleader of my constituency I submit that no justification has been shown why this grant should be made in full and why this cut should not be accepted or approved of I finish so far as the Round Table Conference is concerned

The Honourable Mian Mohammad Shah Nawaz has dilated upon the question of the Indian Statutory Commission's Report practically three fourths of his time he has spent on that question He has gone into details But I must obey the Chair and I cannot thus afford to go into them However, I shall make reference to it in a general way, with this hope that a further opportunity will be given to me for making certain important, essential, and necessary remarks which I shall reserve for a future occasion (*Several Honourable Members* " No, no ")

Mr President Order, order

Dr Nand Lal . As I submitted, I shall be very brief in submitting my points There are three points to which I may invite the attention of this Honourable House Point No 1 is the introduction of the official element in the Ministry This suggestion in the Report has not had a cordial reception at the hands of the people The opinion of the people is that what we wanted has not only not been given, but what we had has been taken away to a certain extent I make this statement subject to correction That is the view of a section of the people in India, and *prima facie* it seems to be correct With the introduction of the official element in the domain of the Ministry, there is no knowing to what extent the legitimate rights and privileges of the people will be violated. The second point in connection with this Report is this, that separate representation has been permitted or has been allowed, on the ostensible ground of protecting the minorities Well, the authors of the Report

[Dr. Nand Lal]

seem to have made out a case on that ground alone, if my reading of the Report is accurate and correct Taking that view of the learned authors and comparing it with the remarks, as alluded to in Volume II, I find that the view, propounded by the learned and Honourable authors of that Report, appears to be erroneous I shall point out why Now, the ground on which this separate representation has been allowed by the Report is this, that the interests of the minorities may be safeguarded That is the main ground That is the plausible reason which is set forth Now, if the minority itself wishes, prays, and humbly submits that we do not want separate representation and that it is not worth while to have it, why should the Commission thrust it upon them ? Take the case of the Punjab The Hindus are in a minority The Hindu Minister expressed himself against the retention of separate communal electorates and the Hindu people, who appeared as witnesses, made a statement purporting to mean that they did not want separate representation They substantially meant to say "You are thinking of giving us protection We say good bye to this sort of protection We want unity between Hindus and Muhammadans We want brotherhood" They meant to urge that if a Hindu is a really good candidate and has got the confidence of Muhammadan voters, they will prefer him to a Muhammadan candidate We do not want this sort of protection at all We are in favour of joint electorates We want and believe that in the course of time Hindus and Muhammadans may live as brothers as loyal subjects of His Majesty

Dr. A. Suhrawardy (Burdwan and Presidency Divisions Muhammadan Rural) May I ask the Honourable Member who said that ? The Hindus never said that

Dr Nand Lal If you will kindly read the Report of the Ministers, (Volume II, pages 57 and 59), and look into the Hindu spirit, you will see that they substantially were not in favour of separate representation

Dr A Suhrawardy I was present at the Joint Free Conference and heard the evidence

Dr. Nand Lal I ask, why this separate representation has been hurled upon the people of the Punjab ? Why have Hindus been deprived of their aspiration to become friendly with Muhammadans and perform their duties as true representatives of the people ?

The third point which I place before this House is this I ask have these learned authors of the Report given anything to India, so far as the privileges, rights and status of the Central Legislature are concerned ? The answer would be "No" If you compare the privileges, the rights, the political status of the Legislative Assembly with those of the suggested Federal Assembly, you will come to this conclusion that India has lost a great deal in that behalf Have you ever heard that a Member of a Provincial Council may be, at the same time, a Member of the Central Federation ? The birthright of the constituents, who have been franchised and who have got the right to elect their representatives directly, has been violated and taken away from them At least as a student of constitutional law (my knowledge perhaps may be limited and I make this statement subject to correction), I cannot find this sort of principle in any system of law in the world—that a

representative in a Provincial Council can be, at the same time, a Member of the higher House and he alone has got the right to give a vote as such to another Member who is his comrade and his associate in the same House It means that a Member of a Provincial Council can simultaneously be a Member of the Central Federation It is just like the complainant constituting himself the judge to give his decision in his own case That is not right That is not constitutionally correct There is another inherent defect in this Report, and I am sure this House will extend its sympathy to my view It is this There are ten Members in a Provincial Council Very good They and they alone have got the right of electing a Member for a higher House These ten gentlemen will constitute a body of friends A will help B, B will help C, and C will help A, and so on There will be reciprocity And these ten men will be returned to the higher House in rotation A student of constitutional law will feel surprised at the suggestions that have been made in this book, which is called the second volume of the Simon Commission's Report These recommendations, when they are compared with the fundamental principles of constitutional law, are bound to betray the serious mistakes of the authors of the Report I submit these proposals smack of unsoundness After having said some thing in passing about this I may point out to this House that there are a number of shortcomings, a number of defects in the Report I admit there are some beauties too, but the number of shortcomings or the number of defects is greater and consequently, I may submit that this Report is not such a report as may successfully induce this House to associate itself with the grant of this full demand Therefore I support the cut which has been proposed by my Honourable and learned friend, though I may say, at the same time, that I congratulate again the official Benches that they have scored a great point in getting these two important issues discussed together With these remarks, Sir, I thank you for giving me an opportunity to speak on the motion

Mr M A Jinnah Sir, for several reasons I thought I would take part in the debate as early as I could, provided I caught your eye I have been successful in catching your eye and I am glad to have the opportunity Now I am really very sorry that the Treasury Benches (*Honourable Members* "Louder please") should have encouraged the kind of procedure which has been adopted in this House to-day Sir, they know perfectly well that if this House is to be called upon to express any valuable opinion with regard to the Simon Commission, that cannot be done on a cut motion to a Demand of this character If you want to ascertain the definite opinion of this House with regard to the recommendations of the Simon Commission, then the Government ought to have placed on the Table a Resolution saying "This House recommends to the Governor General in Council that the recommendations of the Simon Commission should be accepted by him" And we would have met it in a proper way Have you, the Government of India, accepted the recommendations of the Simon Commission? Have you formulated your own opinions? Have you come to any decisions? And do you expect this House at this stage, or any responsible men, to express their opinion on a document of this character by way of a side issue? And do you not know that the Simon Commission is not the last word, according to the latest pronouncement made by His Excellency

[Mr M A Jinnah]

the Governor General only yesterday ? And do you not know that yet the London Conference has got to take its decisions ? Do you want us to discuss here the various Reports that have appeared throughout this country ? Do you want us to discuss the various proposals that have appeared in this connection from various quarters, on a cut of this character ? Do you expect us to give you a scheme of the future constitution of the Government of India on this occasion ? What could be the object, Sir, of what I may call the most improper procedure that has been encouraged by the Treasury Benches ? Sir, I only say this that if you force us, if you ask us to go to a division on this cut, there can be only one answer and only one answer so far as this side of the House is concerned What is the cut ? The cut is, that this Demand be reduced by Rs 100, on what ground ?—on the ground of " the inadequate and unsatisfactory suggestions and recommendations contained in Volume II of the Report of the Indian Statutory Commission and their probative value as a part of the material to be discussed and considered by the coming Round Table Conference " Do you want this House to support this cut or not ? (*An Honourable Member* " No ") You do not ? (*Some Honourable Members* " No, no ") Are the Government going to say that they are satisfied, with the recommendations of the Simon Commission ? Are the Government going to say that they are adequate ? Have you formed your opinion ? Sir, a more futile procedure could never have been adopted in this House (Hear, hear) for wasting the time of this House How that procedure is going to be justified by the Government I will wait and see I am quite willing to analyse, to dissect and to examine in all its details the Report of the Simon Commission at the proper place and on the proper occasion and I invite Government to meet us there at the proper place and on the proper occasion if they want to support any of the recommendations of the Simon Commission Therefore I am obliged to say this—and I appeal to every elected Member on this side of the House to support me and decide that in the first instance this cut must be supported, and let us declare that the Simon Commission recommendations are not acceptable to us (Applause), and that we are not going to be side-tracked by the procedure that is adopted. Sir, I can only understand one reason for it, that some genius on the Treasury Benches probably thinks that this might display on the floor of this House a conflict and a clash between the two communities or between certain interests I appeal to Honourable Members on this side of the House—don't you play into the hands of Government We are not going to show any kind of conflict or clash by this method (Hear, hear) We shall stand together, and we are all agreed that the Simon Commission's Report is not acceptable to us and let us give our clear verdict to that effect

Mr Gaya Prasad Singh : It is untouchable

Mr M A. Jinnah : If that was not the reason, I wonder what are or could be the reasons which you can assign ? The Simon Commission has already gained a certain amount of notoriety Do you want to add more notoriety to it by putting it before this House and discussing it on the floor of this House ? Is that your ambition ? A very poor ambition if that is so Then what is the object ? Sir, I have said enough on that point.

Now coming to the subject proper, so far as that is concerned, have all along taken the view—rightly or wrongly it yet remains to b seen—that we should participate in the London Conference I kno that there is a certain body of my countrymen who do not see eye t eye with me on that point Sir, I have considered all the pros and th cons I have considered all the arguments, and I have not been able t get over one argument at least and one reason which compels me, to-da even, to say that we *should* participate in the London Conference . an that one argument which I cannot get over and which compels me t say this is this I am prepared to grant that the London Conferenc may break down The London Conference may even shatter our hope and expectations But I cannot get over this argument that, if I do no go there and if I do not fight my case, in the justice and the righteousnes of which I am convinced, I shall not be doing my duty to my countr and before the Bar of the world opinion, and I shall not be doing m duty to place my case before that Conference and get from them a definite and decisive answer as to what they proposed to do I los nothing by it and I commit myself to nothing I hold strong convictions based on facts and figures I am prepared to go there and face His Majes ty's Government If my hopes are not realised and if my expectation are not fulfilled it is open to me to adopt such course as I may think proper in those circumstances Therefore, I do not wish to lose thi opportunity If I succeed in winning my case, I shall have rendered no only the greatest service to my own people, but I think to Great Britain also, because you will have then a contented, happy and friendly India Sir, therefore, without going further into more details, I hold that I must participate in this Conference If that is the conclusion that I have come to so far, then expenditure is necessary

What does the Government want me to say on this point ? I can only say Yes, I am willing to vote for the necessary expenditure But on this subject I am also entitled to say to the Government this I know the difficulties that we have to face in choosing the representa tives on behalf of India to go to this Conference But, as I understand it the representatives of India would be invited by His Majesty's Gov ernment That means that the ultimate choice would rest, theoretically, with His Majesty's Government, but for all practical purposes it will rest upon the authorities in India, who will probably recommend those men That procedure may not be the best, but under the circumstances it seems difficult to think of any other procedure But in regard to the making of this choice of the representatives of India, I want to im press upon the Government to be careful and to see that they appoint or invite the true representatives of India who will command the con fidence and trust and the respect of the people of India It is a most delicate task to perform and I want to give them as strong a warning as I can to see that in that they play fair

Then, Sir, there is one more point that I want to impress upon the Government, and it is this I read in the newspapers some time ago that the Government have already provided the Secretariat staff for the Indian representatives who will be invited to the Round Table Conference

Sir Hari Singh Gour : It was announced by the Viceroy yesterday.

Mr. M A. Jinnah : Yes Well, I do not know why the Government are in a hurry to do this and make the choice that they have made I still ask the Government to reconsider that position First of all, let us know who are the representatives who are going to be invited Surely there is no need for this hot haste to burden us with these three members of the great and Heaven-born service, namely, the Indian Civil Service, before you have even decided upon the choice of the representatives Whom, do you think, these people will assist ? The representatives Surely, therefore, you might wait until they come into existence You might wait until you have consulted them Sir, I fail to understand why they should show this hot haste in announcing the names of the three members of the Indian Civil Service Of course, I have nothing to say against them personally I have nothing to say against my friends, Messrs Bajpai and Latifi and Sir Geoffrey Corbett as far as the personal aspect is concerned But why should there be this haste, and I do think that the Government might still consider their position with regard to this matter The position therefore that I take up Sir, is this, that we must support this cut having regard to the views that I have expressed and I must support the motion that this Demand be reduced by Rs 100 for the reasons specified and vote the reduced demand

Mian Mohammad Shah Nawaz : On a point of personal explanation, Sir The Honourable the Leader of the Independent Party insinuates, in a way, that I have moved this cut at the instance of the Government

Mr M. A Jinnah : I never suggested that

Mian Mohammad Shah Nawaz : I am glad that the Honourable Member has removed misapprehension I wish to assure you, Sir, I have moved this cut with the consent of most of the Members of this House

Dr. A Suhrawardy : He has assured you himself

Mian Mohammad Shah Nawaz : I am aware of the Honourable Member's opinion, namely, that this cut should not be moved in the House but the general desire, after consultation amongst the Members, was that the Simon Commission's Report should be discussed

Mr. U N Sen : (Loud Applause) Sir, I crave the indulgence of the House to intervene in the debate for a few minutes, as I feel that the motion now before us, especially after your ruling about the manner in which it is to be discussed, is so vitally important that I should not be justified in giving a silent vote I will not follow my friend, Mr Shah Nawaz, in dealing with some of the details of the Simon Commission's Report, nor will I join issue with Mr Jinnah in urging on the House that the cut should be accepted I understand, Sir, that the question immediately before us is whether we should send a delegation to London and whether the House should vote any money for it I find in the Standing Finance Committee's Report page 23, full details have been given why this money is wanted and if any further details are necessary, I believe the Honourable the Finance Member will not withhold them from the House I confess I did not anticipate that on this question of sending a delegation to London there would not be a single discordant note from any part of the House It is difficult to expect that on a momentous issue like this there should be, or there could be, an absolute unanimity among all schools of thought The conflict of

interests is so great that any settlement, however finely balanced, is bound to catch some discontent in the rebound Sir, I did expect some angry protests from some quarters of the House That the recommendations of the Simon Commission have created a deep resentment in the minds of Indians is but natural, because some of us hoped that the Report would herald the dawn of a new era, the vision of which we were fondly hugging in our bosoms That hope has receded away But, Sir, there is no reason to give up all hopes It is because I firmly believe that our delegation will reopen the entire question of constitutional reforms in England and that they will retrieve our fortunes in London, which Sir John Simon and his colleagues refused us, that I cordially support the motion which has been placed before the House by the Honourable the Finance Member I strongly oppose the idea, which has been openly expressed in many quarters, that we should boycott the London Conference Why ? Because the Simon report has fallen short of our expectations ? No argument to my mind could be more fatuous. Let us, Sir, accept for a moment that it is no use our going to the Conference How does it improve our position ? The Conference will be held, whether we like it or not The Conference will submit proposals to His Majesty's Government, whether we accept them or not, and those proposals will eventually be embodied in a Statute If men like Dr Sapru, Mr Jinnah, Mr Jayakar and Sir C P Ramaswami Ayyar and a whole host of those eminent men who can speak with authority for us, who have got every right to go to the Conference and present our case—if they keep away from the Conference, do you realise what the ultimate result will be ? Well, Sir, I shudder to think It will be fraught with the gravest consequences is all that I can say My own view is that whatever may be the shortcomings of the Simon Report, we ought to attack it at all points, if you like turn it inside out, but for Heaven's sake do not give a wrong lead to the country and say, " Do not send representatives , do not go to the Round Table Conference " You will be courting an awful disaster if you do that Mr Jinnah is perfectly right when he says that, whatever happens, he will go to the Conference and present the case of his country I will go further and say that he will perhaps present an ultimatum on our behalf May I, Sir, sound a note of warning in this connection ? I know some of my countrymen opposite will not agree with me—but all the same, the note of warning is this do not treat the Simon Report too lightly, nor try to throw it on the rubbish heap It is needless for me to remind the House that the Report has been accepted as one of the most important State documents of recent times, and that every Englishman—philosopher or statesman—has welcomed it as the best possible solution of our constitutional problem We have not accepted that view, but what is most important is that we have to combat that view and produce a scheme, call it alternative if you like which will be equally weighty, equally thorough and a masterpiece of human ingenuity Until you do that, it is no use your croaking " Down with the Report " That the Simon Report is not the last word on the Indian constitutional reforms has been admitted by no less a person than His Excellency the Viceroy He said only yesterday, " The Conference accordingly will be free to approach its task greatly assisted indeed, but with liberty unimpaired, by the Report of the Statutory Commission or by any other documents which will be before it ". Mark, Sir, His Excellency's words No utterance could be more

[Mr. U N Sen]

reassuring than this I do not know how much His Excellency will hav to pay for this utterance, judged from the telegram which we got yeste day about Lord Birkenhead's effusions in the *Daily Telegraph* The Go ernment of India have been unjustly accused of many sins of commi sion and omission in this respect, particularly for not publishing pr posals with regard to the Simon Report Personally I think when the proposals are published, we will be satisfied that Lord Irwin's Gover ment have done their best May I, Sir, if I am in order, take this oppo tunity of paying my humble tribute to Lord Irwin himself for the i domitable courage he has shown throughout in dealing with this que tion ? I know of no Viceroy, since Ripon, who has been so unjustl and in so ungentlemanly a manner attacked on all sides, the wor attacks being from his own political friends in England No politicia within recent memory has suffered so much anguish of heart for h political convictions This is perhaps the fate of all great pioneers, a as a true and great pioneer, Lord Irwin has put his hands to the plough a will not look back until he reaches the end of the furrow He know if any one knows, that much rough ground has to be broken before o can plant on the soil, but posterity will bless his name when the who land is fructified and they come to live under the cool of the blossom I believe, Sir, this is not the time nor the place to discuss the Simo Report in all its bearings, but there are two questions to which, wit your permission, I should like to refer First is the question of defen which greatly puzzled the Members of the Commission I for mysel would support their proposals for defence of this country, if everythi else is given to us Secondly, the communal question This is one of th most complex problems which has defied solution I would appeal to m Hindu countrymen carefully to examine the Muslim point of view an not to deny them what is their legitimate due That great communit has been in the background for decades, and it is time that we and the should now walk hand in hand to that common destiny which is th heritage of both

Sir, before I conclude, I should like to make one personal appe to Government about a very delicate matter and it is this, that th struggle in the country has gone on for a long time, much to its detr ment and ordered progress It is time that Government should gi clear indications on what conditions they would be willing that negoti tions should open with Congress Leaders so that the movement migh cease and they will be invited to the London Conference I personally fe that, with the Congress Leaders in jail, their having no opportunity participate in the framing of the constitution, no scheme, however pe fect, will have a chance of success I, therefore, beg of the Governme to explore all the avenues of a settlement, lasting and honourable to bot I feel, Sir, at no period of her history, England was in such a strong an proud position as she is to-day, and if the British Government to-da goes out of its way to treat its enemy generously, it will not be put dow either to lack of strength or abject surrender of authority. It is t generous recognition of India's aspirations that England can alone he us to realise our hopes which still roll in the dim distance (Cheers)

The Honourable Sir George Schuster : Sir, I rise to intervene in this debate to make a very few remarks only and those of a technical nature I, Sir, am responsible for the motion in regard to which this cut has been moved, and although we have been discussing matters which are, or are going to be of very great constitutional importance, I also think it is important that we should consider the procedure of the House and take account of what precedents may be created by a debate of this kind

I should like to say at the outset that I am very grateful to my Honourable friend Mr Jinnah for a part of his speech I venture to say that he has restored this debate to its proper channel and that his speech was entirely relevant At the same time I am sure he will not quarrel with me if I dissent from the interpretation which he has put on the Government's motives Sir, he has flattered Government We are not capable of such ingenuity as he has attributed to us (Laughter)

I should like to remind the House of what the business is before us to-day and what the position of Government is We desire that this Round Table Conference should be held, The holding of the Round Table Conference is going to cost money We therefore have to come before the House with a supplementary Demand for the necessary expenditure Now at the very outset a first point of order must arise It has been held in the past—and you yourself, Sir, referred to that ruling —that in the case of a supplementary Demand questions of policy should not be discussed But if you go behind that ruling and examine the cases in which that ruling has been given you will find that the reason for it is this It has been held that, where the Demand is a mere supplementary Demand for additional expenditure and is supplementary to a grant which has already been approved in the Budget the occasion of the presentation of the Budget is the proper time on which to raise discussions of policy in connection with that grant. But in the present case we are coming before the House with a Demand for a service which was not in contemplation at the time when the Budget was put forward, or rather a service for which we could not put forward proposals at that time And that being so, I think it is obviously right that this House should have an opportunity of debating the policy on which that grant is proposed and it would not be right to rely on the ruling which has been given in previous cases that questions of policy should be excluded from discussions on supplementary votes

Having arrived at that conclusion we come to a second possible question of a point of order It has been agreed on all sides that, in discussing this Demand, it would be impossible to exclude all reference to the Statutory Commission's Report

Mr M A. Jinnah : I do not agree with that.

The Honourable Sir George Schuster : Perhaps if my Honourable friend will allow me to continue I might make the point which is in my mind clear. I thought it had been agreed on all sides that it would be impossible to exclude all reference to the Statutory Commission's Report I correct what I said, as I realise now that my Honourable friend Mr Jinnah does not accept that point of view But the way in

[Sir George Schuster]

which we have looked at the matter is this When we come to this House and ask for a vote of money for this purpose, it is open to any Member to oppose that vote outright, or, if he does not desire to go so far as that, to make clear the conditions on which he gives his favourable vote for this grant And it seems to me that it is at that point that it is almost impossible to exclude some reference to the Statutory Commission's Report Any Honourable Member may say to himself, "If I give my support to this vote, it is possible that I may be taken as approving of the Conference which is going to discuss the Statutory Commission's Report, and that in doing so there may be some implication that I approve also of the conclusions which have been reached in that Report" I think that is a logical line of thought, and to any one who takes that line of thought it is very difficult, in speaking on this motion, to exclude all reference to the Statutory Commission's Report But I venture to suggest, Sir, that that opens only a very limited field for the discussion of that Report, and I venture also to suggest that, in the further conduct of the debate, that limitation might be kept in view I think it is an arguable point if one takes that view whether a speech on the main motion would not be the appropriate occasion to make clear those conditions which might be present, as I have suggested, in any Honourable Member's mind in recording his vote in favour of this grant, and whether it is really appropriate to move a cut of the kind which is now before the House I think it would have been open to any Honourable Member to raise a point of order that a cut of this kind on a motion for a supplementary Demand is not in order ; but as the nature of the discussion which would be produced is exactly the same in either case, it seems to me that the point of order would not have had very much substance The result, I venture to submit, is the same, namely, that in either case a reference to the Statutory Commission's Report is only relevant for the purpose of enabling any Honourable Member who wishes to express a view on the motion to make clear what are the conditions on which he gives his approval to the vote, or what are the reasons for which he wishes to record his disapproval

Mr M. A Jinnah : The motion before the House does not contain any conditions at all on which he is willing to accede to the Demand

The Honourable Sir George Schuster . What I was venturing to submit to the House is that it is a reasonable line for any Honourable Member to take

Mr M A. Jinnah : That is not before us

Mr President : I think that, according to the ruling which I have given last, observations upon the Simon Commission's Report will be restricted to general observations and no lengthy discussion on this point is required now.

The Honourable Sir George Schuster : I venture to say that I agree entirely with that ruling The object of my own intervention was only to make it clear that we have come before the House asking for a sum of money , that that is the reason why this subject has come up ; and that there is no intention on the part of Government either to

suggest a premature discussion or to promote dissension on the other side, or to do anything but to put before the House business which has to be put before it and to allow any Honourable Member who wishes to make his position clear and record his opinion on the proposal, to do so without unreasonable opposition or hindrance on the Government side

Sir C P Ramaswami Ayyar Mr. President, the remarks that have fallen from the last speaker have to a certain extent simplified the procedure which I had from the first intended to adopt, for, indeed the motion and the cut have produced a kind of dilemma in the minds of those who are faced with the problem now before the House Like the Honourable Member, Mr Jinnah, I am one of those who hold, and hold very strongly, that participation by India in the Round Table Conference is fraught with benefit to India and cannot be harmful to the interests of India It is needless to dilate upon the point, and I should have confined myself just to a word or two on that topic but for the undeniable fact that there is a great deal of misunderstanding and misapprehension in the country, which I feel it to be my duty to deal with and if possible obviate

Sir, the question has been propounded as to the benefits to be derived from India's participation in the Round Table Conference, and enquiries have been made as to what those who seek to go to that Conference stand to achieve by the procedure which they propose to follow It is pointed out that the Press and public men of England are almost in serried array, united in hostility to our ideals and aims and vehement in their expression of their points of view Reference is made to the utterances emanating from that very talented but equally irrepressible person in the upper House, Lord Birkenhead and to very recent statements like those of Lord Brentford and others The latter noble lord has stated that it would be a calamitous day if anything were discussed beyond the four corners of the Simon Commission's Report, and that the programme—I hope I am not paraphrasing him inadequately or incorrectly—before the Round Table Conference should be mainly the consideration and discussion of that Report The question therefore has been raised, if that is the outlook and the attitude of important interests and men in England, as to whether anything would be gained by going there and participating in the Round Table Conference My answer is, it is just because of these factors, that India stands to gain and not to lose by participating in it He would be a poor advocate who, because a jury is misapprehending his case or because the judge starts with a preconceived opinion against the justice of his case, would not press and fight his cause I hold that the strength and justice of our case is so great that I am not afraid of any tribunal of impartial and fair-minded men

An Honourable Member : Are they impartial and fair-minded ? You are mistaken

Sir C P Ramaswami Ayyar . I still believe, notwithstanding the interruption, that England is not so bankrupt of fair-mindedness that that it would be no use our going there I shall wait and pause till the conclusion of the Round Table Conference before I arrive at that decision if I have to

An Honourable Member : Then you will be disillusioned.

Sir C P Ramaswami Ayyar : It is stated that I shall be disillusioned. I am free to be disillusioned, but each man has his period of disillusionment To some it comes early and to some perhaps it comes later, and I shall be blameworthy perhaps if the disillusionment comes, but I am perfectly willing to stand the test of disillusionment I was saying, before the interruption, that it is just because there is such massed opinion now expressing itself there through journals and newspapers and public men, that I and men of my way of thinking want to present our case to them, for I still believe in persuasion through reasoned argument In a speech surcharged with emotion, which really raised the level of the whole matter to a very great height, Lord Irwin yesterday referred to many matters , but in regard to one matter I feel really grateful to him and men of my party, the Liberals, will join with me in this It has been said here and there that the Simon Commission's Report would not be the last word on the subject , but I think an authoritative declaration emanating from the head of the Government of India that the Simon Commission's Report would be only one of the materials to be discussed in the Round Table Conference, and that it holds no higher and no different position from the Nehru Report or the demands of the Muhammadans, or the demands of the Sikhs, or of any other interests concerned, is a great thing I hold that implicit in the declaration of the Viceroy was the suggestion and the admission that the Round Table Conference could and would consider the Simon Commission's Report as only one of the materials before it for decision That is a great contribution which, I think, has been made If it had been otherwise, if we had to consider, at the London Conference, the Simon Commission's Report as the primary or the only material, my attitude and the attitude of those who think with me and my party would have been different But having regard to the conditions under which the Round Table Conference is meeting, having regard moreover to the explicit declaration that has been made that it is only one of the materials, I for one see no harm but great benefit by participation

Sir, I shall take some time more

Mr President : Go on

Sir C. P. Ramaswami Ayyar : Now Sir the main topic to which I desire to address myself is the one partly already adverted to by my Honourable friend, Mr Jinnah Agreed as many of us are that the Round Table Conference is a means of achieving, if we can possibly achieve, that agreement amongst ourselves which will compel Parliament to accede to our demands, feeling like that, we still feel that the Round Table Conference cannot achieve that success which it ought to attain unless it is fully and wholly representative There is no disposition on the part of any one to minimise the importance of any individual or party in this House or outside it But can it be gainsaid that there are important organisations and men whose participation and co-operation in that Conference would lend greater weight to that Conference and add to its representative character ? Why do I say that ? I say that because I feel it to be my duty to urge upon the Government to leave no stone unturned and to explore all avenues by which the co-operation of those elements which are now keeping aloof may be effectively secured Sir, on these occasions no notions of prestige or *amour-propre* should hinder one party or the other As has been indicated in a statement published very

recently, the Congress Party, which has embarked upon a programme with which many of us profoundly disagree has expressed its inability or disinclination to join the Round Table Conference Is it too late on the part of men in this House or outside to appeal to the Congress Party to think twice before they lose this opportunity of demonstrating the strength of their case in London ? Is it too late to appeal to them to give up this programme which, at the best, can only amount to an exhibition of strength and which is essentially negative in character ? They have exhibited their strength , they have shown that the country is to a certain extent behind them , and having done that, let them pause and let them come to this Conference and prove by argument what they are now trying to prove otherwise—some of us think—calamitously otherwise

But, Sir, the appeal cannot be one-sided The appeal is similarly to Government also to reflect if it is worth while creating that spirit of bitterness and unrest whose results are not transitory The bitterness will last for a long while after these particular events are forgotten It is necessary therefore to get rid of that bitterness and the olive branch should be held out , and it is in the hope and expectation that both parties will come together, each yielding so much as is necessary to make them co-operate in a great venture—it is in that spirit that I make this appeal

And, Sir, if every individual goes to the Round Table Conference in his representative capacity, and even assuming that all the communities in India and all the great movements are represented there, the task is still by no means easy We have been handicapped—I say that deliberately—by the Indian Statutory Commission's Report Even if it is one of the materials to be considered by the Round Table Conference, there are many points in that Report which are grievously faulty And why do I say so ? It is their outlook, the attitude with which the Commission worked with which we quarrel, and this is most apparent in two or three matters Take, for instance, the question of the Army No nation can be self-governing unless it can defend itself In theory it is admitted by the Simon Commission If the Simon Commission, having made it apparent that for the time being the responsibility of defence cannot be given up by the Imperial Government, had proceeded to define the steps by which a Dominion army might be created gradually perhaps but inevitably to replace the other army at the end of a specified period of time, one would have had no serious quarrel with the Simon Commission, but there is no attempt beyond vague phrases, there is no scheme to create or bring into existence an army, a Dominion army which, not now, not tomorrow or the day after but in course of time, may replace the other Unless that idea is immanent in the Commission, the Commission does not think in reality of Dominion Government or Dominion Status whatever phrases may be employed It is because of that outlook, and of that attitude, that many of us feel that the task has been approached in a wrong-headed and perverse manner and that the Report is not really worth serious consideration

Similarly, Sir, with regard to the Indian States, beyond vague phrases, beyond catchwards, beyond inchoate suggestions of a Council of greater India, beyond suggesting that, when the willingness to co-operate begins,—there might be a federation in the course of an indefinite number of years,—there is nothing said in the Report

[Sir C. P Ramaswami Ayyar]

So also in regard to the Central Legislature With regard to it, one could have understood a well defined scheme for a federal legislature, where the provinces are represented, but that federation must be a live federation, where it has as its climax and as its summit full responsibility What is the meaning of a half-baked theory regarding a partially responsible or wholly irresponsible Central Legislature with only this particular feature of a federal constitution borrowed from other systems ?

With regard to the Provincial Governments, in one place they say that they believe that law and order would very likely be in the hands of officials, who with elected members are to form a queerly constituted cabinet That is an attitude of mind which we cannot appreciate, notwithstanding the eminence of the Chairman as a constitutional lawyer and a debater, and notwithstanding the very estimable qualities of the other members The scheme of provincial Government propounded by the Commission is not really anything like true responsible Government This is an attitude of mind, which is calamitous, according to us, to the highest interests of India We therefore think that, if the Simon Commission Report was the main or the chief material which had to be tested and examined by the Round Table Conference, one would have had very serious doubts in regard to the Conference It is because of the declaration made by an honest and sincere friend of India that this Report would only be one of the elements of consideration, that other materials would also be considered, and that efforts would be made to bring about a representative Round Table Conference, that I for one support the Round Table Conference whole-heartedly Supporting it, what is my duty on this occasion ? I join with my friend Mr Jinnah in thinking that it would have been much better if we had not discussed this particular cut As matters stand at present, what are we voting upon ? We are voting upon a cut moved by Mr Shah Nawaz with regard to the inadequate and unsatisfactory suggestions and recommendations contained in Volume II of the Indian Statutory Commission

Mr. President . I would like to know how long the Honourable Member would take

Sir C. P Ramaswamy Ayyar : Ten minutes, Sir

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

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The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr President in the Chair

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ELECTION OF THE DEPUTY PRESIDENT

Mr. President : In accordance with the provisions of sub-order (3) of Standing Order 5 of the Legislative Assembly Standing Orders, I have to announce that I have received 15 notices duly signed nominating the following four candidates for election as Deputy President, *viz* ,

1 Sir Hari Singh Gour,

2 Rao Bahadur M C Rajah,

3 Lieutenant-Colonel H A J Gidney, and

4. Sardar Gulab Singh

The names of the proposers and seconders are as follows

For Sir Hari Singh Gour—

Proposers—
- Sardar Gulab Singh
- Rao Bahadur D R Patil.
- Mr M R Jayakar
- Pandit Chuni Lal
- Mr C S Ranga Iyer
- Mr B Das

Seconders—
- Mr Saradindu Mukerjee
- Rao Sahib Baburao Ramji Patil
- Mr Lal Narendra Pratap Sahi
- Mr M R Puri
- Rai Bahadur Lala Panna Lal
- Mr P Chowdry

For Rao Bahadur M C Rajah—

Proposers —
- Mr A H Ghuznavi
- Sardar Bahadur Captain Hira Singh Brar
- Dr A Suhrawardy
- Mr R S Sarma
- Mr G Satyotham Rao
- Mr Abdul Latif Saheb Farookhi

Seconders—
- Maulvi Sayyid Murtuza Saheb Bahadur
- Mr Adit Prasad Singh
- Mr W M Ilahibaksh Bhuto.
- Haji Chaudhury Mohammad Ismail Khan
- Mr B N. Misra
- Pandit B P Bhattacharya

For Lieutenant-Colonel H. A J. Gidney—

Proposer—Nawab Sir Sahibzada Abdul Qaiyum.

[Mr President]

Seconder—Mr A H Ghuznavi

For Sardar Gulab Singh—

Proposer—Mr Amar Nath Dutt

Seconder—Mr Raghuber Singh

I have received two further nomination papers in which the proposer in the first one is Raja Ghaznafar Ali Khan and the seconder Dr L K Hyder, the proposer and seconder of the other nomination paper being Maulvi Mohammad Shafee Daoodi and Mr Amar Nath Dutt respectively As the name of the candidate proposed has not been mentioned in either of these nomination papers I must hold that they are invalid

As I announced yesterday, the election of the Deputy President will take place tomorrow by ballot at 11 o'clock

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DEMANDS FOR SUPPLEMENTARY GRANTS

MISCELLANEOUS

Inadequate and Unsatisfactory Suggestions and Recommendations of the Indian Statutory Commission

Sir C. P Ramaswami Ayyar Mr President, when the House adjourned for lunch, I was attempting to discuss the motion or cut which is now engaging the attention of the House One thing I may say with reference to this question of the Report of the Indian Statutory Commission, and that is this, that it has produced a singular unanimity of opinion as the result of its labours Although there have been differences—and pronounced differences—as to the details, yet I do not think I am exaggerating when I say that there is a great amount of agreement throughout the country as to the Report itself, as to the objective of the Report and where it takes us Sir, it is my fervent hope that this unanimity will be implemented by further unanimity between to-day and the summoning of the Round Table Conference, so that the delegates who go to the Round Table Conference will confer among themselves before they go and arrive at that concord which would make their united demand irresistible in London I am also anxious that the course of this debate should also, if possible, present a similar unanimity I can understand a straight vote either in favour of or against the Round Table Conference , but the discussion as it has been proceeding and is likely to proceed on these token motions for cuts may conceivably produce needless divergences in detail, harmful perhaps to the best interests of the country When it is considered, moreover, that on this occasion, as has been pointed out by more than one speaker, it is unnecessary, if not futile, to discuss these different points of view, is it too much to ask the Honourable the Mover, whom I do not see in his place (*An Honourable Member* " He is there "), the Honourable the Mover of this token motion not to press that

Mian Mohammad Shah Nawaz . What does the Honourable Member say ? (*An Honourable Member* " Not to press the motion ") I am not bound by your opinion, but by the opinion of the Leaders of Parties The Honourable Member should consult his Leader Then he will find out where he stands

Sir C. P Ramaswami Aiyar : Sir, it would be arrogance on my part to suggest that that Honourable Member or any other Honourable Member is bound by the opinion of another Honourable Member, but it would not be presumptuous or arrogant to suggest that that Honourable Member is susceptible to an appeal What I was saying was this It a straight vote were taken, I could understand those voting against the Round Table Conference, who are convinced that in essence it is wrong and mischievous to take part in that Conference, forcing a direct issue on the House, but to start a discussion on the Simon Commission's recommendations is, I submit, in reality,—though I do not say that in any spirit of disparagement or of any ill-natured comment—to draw a red herring across the trail That was what was in the mind of my Honourable friend Mr Jinnah when he made those remarks

As, apparently, this discussion is going along pre-determined lines, let me conclude my remarks with just a few observations I support the Round Table Conference, because I am a believer in the irresistibleness of a great and true idea I believe that the ideal and the idea of Dominion Status for India is such a great and true idea I believe that that idea is bound to succeed, is bound to have its own way before any tribunal, provided that tribunal will exercise ordinary fairness I have not lost my belief in the possibility of having such a fair and impartial tribunal , at all events, I am not going to pre-judge the tribunal before I have appeared before it It is in that spirit that I am supporting the Round Table Conference, and I trust that those who are standing aloof from it will also realise that not to go there is really to disbelieve in the strength of their case From that point of view, I again repeat the appeal which I made before lunch that it should be possible for the Government and the great parties to come together in peace and concord and to arrive at a *modus vivendi* by which the organised and one-pointed opinion of India can force itself upon public opinion and the bar of world opinion, so that the legitimate and the united demands of India may be met and satisfied In that way lies the happiness of India In that way lies the future happiness of Great Britain The thinking minds in both countries, notwithstanding temporary obfuscations and temporary disagreements, must realise that In conflict there is danger , in union there is strength Let us in that spirit work so as to make this Conference the foundation stone of that great edifice of Dominion Status—not a far-off ideal, but an immediate ideal for which many of us are working and yearning (Applause)

Mr. B. N. Misra (Orissa Division Non-Muhammadan) : As this is a Demand for the Round Table Conference, I believe, this House is entitled to know whether it would consist of the representatives of British India alone We have already seen in the newspapers that there will be twelve members from the Indian States and the States' people Sir, up till now, in the annals of British history, there has been no occasion when the Indian States, or their people, joined the British Indian Administration or the

[Mr B N Misra.]

British Indian people Sir, when the Princes' Protection Bill came before this House, it was thrown out because it was said that we had nothing to do with the Indian States' administration, nor had the Indian States anything to do with the British Indian administration We were told all along that we were separate and that the British Indian people have nothing to do with States, which have nothing to do with us The States have not advanced in education to the same extent as we have advanced in the British territories With the greatest respect to the States and their Rulers, they have never been accustomed to the same system of administration and education as we enjoy in the British portion With due respect to the Rulers and Princes, although they enjoy vast territories and possessions, I must say these are the very cause of the misery of the Rulers Probably they do not enjoy the same freedom as we ordinarily enjoy

Mr President : Order, order The Honourable Member cannot go into the internal administration of the Indian States

Mr. B. N Misra I was only pointing out that they have not advanced to the same extent as we have Probably it will be difficult for them to appreciate the position in British India They have never taken any interest in the progress of the British Indian people So it will be very difficult for the Rulers of the States or their peoples to join with the British Indian people in their aspirations and in their demand for self-government Therefore, I submit, that they will not be proper associates with the British Indian people in their demand I have some doubts and misgivings about their coming for the first time to join with us in the Round Table Conference It is probably to frustrate the demands of the British Indians that this scheme has been devised

Then, Sir, so much has been said about the Simon Commission's Report In spite of all that has been said about the much maligned Commissioners, I must say that we have talked only of what they have not given The Honourable Members on the Treasury Benches have not thought of giving effect to their recommendations I refer to their recommendations in respect of the Oriya-speaking people In their Report, on page 312 of the second volume, they have stated that, as regards provincial areas, the question whether some redistribution is desirable should at once be taken up, and they mention that the case of Sind and the Oriya-speaking people will be the first to be considered My submission is this Whatever may come out—we all assume that some golden egg will come out as a result of the Round Table Conference deliberations—be it Dominion Status or be it Autonomy—it will be of no use to the Oriya-speaking peoples We are in a minority in four provinces This House is very keen and the Indian Government is also very keen and very anxious about the interests of the minority communities We are a minority What has been done for us in spite of so many declarations ? Sir, Lord Curzon's Government in 1903 made a declaration that the Oriya-speaking tracts should be joined in one province , also from the Montagu-Chelmsford Report we got something in 1917 They said that a new province should be formed at an early date The Simon Commission recommended that it should be done at once We, Indians, are not very familiar with the meaning of English words and expressions According to the Britisher, does early date mean 20 years or 30 years or 100 years ? We have learnt

to believe that at once means at once, not 100 years or 10 years or a month Honourable Members on the Treasury Benches have not taken any action in the matter They have not brought forward any proposal for the formation of an Oriya province at once Whatever may be the reforms or the new constitution of the Local Governments or the Central Government, in any case they will be of no use to the Oriyas, unless the formation of a new province is taken up at once. Sir, the Treasury Benches ought to realise that the Simon Commission should not form the basis or the only basis in considering the interests of every class and community in the country As regards other matters His Excellency has very kindly announced that the Conference will be free to consider any matter The only objection is that we should be asked to mix with the Rulers of the States It is left to them to follow our system or not My point is that the question should first be decided for British India alone Let other people come in or not, as they like

Dr Ziauddin Ahmad (United Provinces Southern Division Muhammadan Rural) I sent a direct motion recommending to the Governor General in Council that he may communicate to the Secretary of State for India that the Simon Report is not acceptable to this House , but unfortunately during the last 12 years when I have been in different Councils, I have never had good luck at the ballot This time also a colleague of mine who also sent in a similar motion drew it, but drew it at the fourth place on the last day, that practically meant that the debate would probably never come off Consequently I had to enter by the back door and I sent in a cut to the motion which is now under discussion, but it was agreed between us that I should not move it but should simply support the cut now moved by my Honourable friend, Mr Shah Nawaz I admit that there are some persons who maintain that the Simon Commission's Report is a back number , it is useless to waste time over it I hold a somewhat different opinion, and I say that the Report is here (*An Honourable Member* : "Burn it") How can I burn it ? I paid for this Report (Laughter) Therefore, I have a right to express my opinion even if it may not be worth the paper on which the Report is printed

Mr Gaya Prasad Singh Perform its funeral ceremony

Dr Ziauddin Ahmad Persons who practically do not acknowledge the Report at all remind me of a story, which is not a story but a fact which happened in my presence One gentleman went to the police officer of a town in Germany to get permission to go out, as according to their rule every *bona fide* German must inform the police if he leaves the town for more than a fortnight The policeman said, "My friend, how can you leave the town ? You are not yet born , your name is not in my book. I cannot issue permission because you do not exist" Now, Sir, I wish to express my dissatisfaction with the Simon Commission's Report, both from the point of a view of an Indian and from the point of view also of a Mussalman I must say that the Report is disappointing It is unimaginative, uninspiring and unsympathetic One can see the contrast between the first volume and the second volume There the thoughts are different, the language is different and the sentiments are different, and it leaves the impression on the mind of readers that the second volume is not written in such a masterly manner as the first volume and I am led to suspect that Sir John Simon, under official and professional pressure of work, may have asked some junior to write the second volume for him

Mr. B Das : How do you know that Sir John wrote the first volume ?

Dr Ziauddin Ahmad It is only a presumption, Sir. There has been a good deal of talk amongst persons who derive their inspiration from Government, about Dominion Status Those persons believed that the best way of pleasing officials was to demand " Dominion Status " They are also disappointed because the words " Dominion Status " do not occur in the second volume at all I looked for these words very carefully but I find that they do not occur anywhere

An Honourable Member They were intentionally omitted

Dr. Ziauddin Ahmad I do not find the words anywhere, and shall be glad to stand corrected if there be any

Nawab Sir Sahibzada Abdul Qaiyum You are quite correct

Dr Ziauddin Ahmad : Sir, in the first place I draw attention to the question of the Frontier Province, and this for two reasons, because, (1) the present disturbances which are going on may lead to complications not only in that province but all over India, and (2) they may also affect our frontier policy Therefore, Sir, if you will excuse me, I should like to go in some detail into this frontier province question

Mr. President I am afraid I cannot allow the Honourable Member to go into details, after all that has been said this morning

Dr Ziauddin Ahmad Then will there ever be a chance some other day to bring up the subject ?

An Honourable Member Never, in the near future

Nawab Sir Sahibzada Abdul Qaiyum Leave out the word ' detail ' and you will be all right (Laughter)

Dr. Ziauddin Ahmad Sir, we all know that the Frontier Province once formed part of the Punjab and then it was separated I may quote from Lord Curzon's despatch to the Secretary of State and that was practically the keynote of the separation

Mr President : I am afraid I shall not be able to allow the Honourable Member to go on like that He will have to restrict his speech to the Demand

Dr. Ziauddin Ahmad I shall come only to the broad observations about the Frontier Province and shall leave out the details for some further discussion That province was denied the Morley-Minto reforms , they were ignored in the Montagu-Chelmsford reforms The Bray Committee was the first body which seriously discussed this question Now that Report was published a few years back, and had action been taken on that Report immediately, then all the occurrences which happened during the last few months would have been avoided

Mr. President Now from the Simon Commission's Report you are driving to the Bray Committee's Report. I think I cannot allow that

Dr Ziauddin Ahmad The Bray Report is rather important because the Simon Commission endorsed the recommendations of that Committee

An Honourable Member . The Simon Commission refer to the Bray Report

Dr. Ziauddin Ahmad The Simon Commission say that they entirely agree with the Bray Committee's Report, but when they come to the actual recommendations they do not go even so far as the Bray Committee did The latter recommended sixty per cent of the elected members in the Council, while Sir John Simon's Report reduced the number from 60 to 50 The Bray Committee recommended a Minister There is no talk of a Minister in the Simon Commission's Report So it appears that they have not gone even so far as the recommendations of the Committee appointed previously which they have endorsed in words but not in practice

Now allied to the Frontier Province question is really the question of the frontier policy Now we all know that there are three policies, that is, the forward policy, the stationary or stay-on policy and the backward policy, and we expected that Sir John Simon's Commission would discuss these policies and would definitely pronounce judgment in favour of one or the other But reading between the lines, I have a strong suspicion that they are really in favour of the forward policy Now this is an important question, and whenever Government contemplate a change in policy, it is very desirable that this Assembly should be given a chance to discuss it This will establish good relations between the Executive and the Legislature Now the forward policy was advocated by Lord Roberts in the famous debate in the House of Lords in 1898 and it was also accepted by the then Under Secretary of State, Lord Onslow, and also it was advocated afterwards officially by the Secretary of State for India, Lord George Hamilton in 1901 , and I have not seen any kind of official negation of this forward policy I expected that this particular policy at least would be discussed by the Simon Commission and that they would recommend India not to adopt the forward policy, but to remain at the Durand line I think those who go to the Round Table Conference should clearly define the limits of British India, and tell us what our commitments are, and to what extent we are bound to pay for the maintenance of the Government policy in the North West Frontier Province

Now closely allied to the frontier policy is really the policy of defence Now there are three kinds of defence The first is the defence of the five settled districts from the raids of the frontier tribes on the side of the Durand line Then there is always a chance of an attack from the trans-

3 P M border tribes and also from Afghanistan Then, there is the Imperial question of the defence of our North West Frontier Province from attack by Russia As regards the first point, the Simon Commission's Report, while endorsing the Bray's Committee's Report, admitted that it is the business of the people of the Frontier Province themselves to defend their province against the attack of the trans-border tribes who are under the protection of British India Now, for this purpose, we give them all the protection that the Bray's Committee recommended, *e.g.*, militia, constabulary and everything else And it is but right and just that the Government of India ought to make adequate contributions to the Frontier Province for this kind of self-defence This force which is required to protect the inhabitants of the settled area should be placed definitely under the Local Government Then, there is the second question of the defence from the invasion of the trans-border tribes, that is, those tribes who are on the other side of the Durand line For this purpose, we do not require a really large army. Experience has shown that the Foreign Office is much more important than the Military Department for this

[Dr Ziauddin Ahmad]

purpose I do not want to mention the details, as you have ruled, Sir, that we cannot refer to them to-day, but anyone who will consider the past history will find that, though an efficient army is an important factor, yet the Foreign Office plays a still greater part in the defence of India We do not want a very large army for the purpose This army required for this second defence should be under the Army Department of the Government of India Then, the third defence is the defence of the North West Frontier Province from a foreign attack This, as has been pointed out by the Simon Commission, may be an attack of an Imperial nature, as it may possibly be due to a trouble in any other part of the British Empire The whole fight may be fought on the Indian territory for international reasons Therefore, that kind of defence ought to be taken as an Imperial question and not an All-India question Now, the way in which the Simon Commission have suggested the solution is very much open to question I put it rather bluntly when I say that they have recommended that India should have, what I may call, an army of occupation, that is, an army entirely under the Imperial Government having no connection whatsoever with the Government of India In my opinion it savours more of an army of possession than the army of defence

As regards the Imperial defence, I would very much like—and I would urge upon the Leader of my Party to take note of it when he goes to the Round Table Conference—that it should not be considered with reference to India alone It ought to be considered with reference to all the Dominions and also the mother country India ought, of course, to contribute her share to Imperial defence India should not hesitate to bear it My point is that, whatever strength may be fixed for India by the Council of Imperial Defence, India should provide it , but this force should not be an Imperial force, but it should be an Indian force which should be entirely under the Government of India and not under the Imperial Government India ought to pay her share in the general defence of the Empire

I assume that India will also require an army for purpose of foreign defence, as well as internal peace, and it is important—though it may not come off all at once—that the army ultimately ought to be an Indian army manned by the Indians and entirely under the Government of India For this purpose we ought to make provision for the training of the Indian officers I have really to note with great regret that the important five recommendations of the Sandhurst Committee have not been given effect to by the Government of India. Those demands were very modest and did not contemplate that the whole Army should be Indianized at once, but according to their scheme it would have taken about 26 years even to get half of the officers Indians I might mention that the most important of the five recommendations was the establishment of an Indian Sandhurst The second recommendation was the expansion of the Dehra Dun College, about which nothing has been done The third recommendation was that the Government of India should impress upon the educational authorities the paramount national importance of improving their system of education The fourth recommendation was the training in technical arms, and last of all was the special instruction for the officers holding the Viceroy's Commission, so that they might be eligible for appointment to the King's Commission Now, none of these five recommendations has been given effect to,

and I would very much like to say that, if the Army is to be Indianised, these recommendations ought to have been accepted and followed

Sir, I next come and make some passing reference to the question of the Indian States This is the first time that recommendations have been made that they ought to come in in the Federal Assembly We have heard so far the theory of two Indias promulgated by Sir Leslie Scott I had the opportunity to attend several meetings in London addressed by him on this topic, but I daresay the impression produced on my mind, and also on the minds of many other persons with whom I had the opportunity to converse, was just the reverse of what Sir Leslie Scott wanted to communicate He said that there are two Indias, the Indian India and the British India, and that they ought to be governed on entirely two distinct principles His advocacy has done more harm to Indian States than to British India and I am rather glad that the Simon Commission have at last in their first volume, which is really the most important from our point of view, admitted that geographically, economically, socially and politically, the two Indias are practically one and form part of one organic whole It is impossible to make a differentiation between them But when they come to make their recommendations definitely, we find that their recommendations are not in keeping with the fundamental facts which they propounded in their first volume Now, they begin with the definition of the paramount power The expression " paramount power " has been defined time after time It is quoted in Harcourt Butler Committee's Report, and it was also quoted in the despatches of Lord Reading that the paramount power is the King Emperor in Parliament, acting through the Government of India So, in that case, the real power was practically vested in the Government of India Now, the Simon Commission have made a fundamental change in the definition of the paramount power That is to say, in place of the Government of India they have placed the Viceroy Of course, the word " Viceroy ", as we know, does not occur in the Government of India Act at all The only place where it did occur was in the Proclamation of the Queen in 1858 At any rate, the Simon Commission want to bring it in here again and have thus made a differentiation between the Governor General in Council and the Viceroy This is rather a change of fundamental importance because it will really mean a differentiation between the Indian India and the British India, which they wanted to unite

The second important point in which their recommendation contradicts the fundamental principle is the creation of a Council for Greater India This Council of Greater India, we see from the Report clearly, will not be a sub-committee of the Federal Assembly It will be something parallel to it, and they have recommended at one place that it may be quite possible that a sub-committee of this Council of Greater India may work in harmony with a sub-committee of the Legislative Assembly. Therefore from this fact and from other recommendations, it is quite clear that they were contemplating the Council of Greater India distinct from the Federal Assembly If we want to have one India and not two Indias, then it is very desirable to have one form of Government and not two forms of Government , that is one under the Governor General in Council and the other under the Viceroy Because this would really mean two Governments and not one. The inclusion of the States under Greater India, I admit, is a very difficult problem and a problem which has to be faced sooner or later, if we want to build a constitution for the whole of India.

[Dr Ziauddin Ahmad]

It is a fundamental principle at least to me—others may not agree—that a monarchical form of government cannot exist under a democratic form of government Look at Germany, with the disappearance of Kaiser, all other monarchies which formed part of the old German Empire disappeared at the same time, in spite of the fact that some of the Dukes were very popular I think if they agree to come into the federal India, it is exceedingly desirable that we ought to treat them very delicately and very cautiously, because they are really making a great sacrifice in coming to a common Government and forming part of the federal State

A few other points I would suggest for the consideration of this House for they will have to be discussed sooner or later The first is when we give seats to Indian States in the Federal Assembly, it is very desirable to give them, like minorities, more seats than their numerical strength may entitle them to get During the transition period we should treat them with as much care and with as much courtesy as may be practicable

The second thing which is also very desirable is the regulation of Customs Now, Customs, we know is rather an important question from the point of view of the Central Government and several Indian States, and I think we cannot do better than adopt the general methods of the old German Empire before the war which our conditions most resemble For the control of Customs we may institute what is called a '*Zollverein*' This is also referred to in the Butler Committee's Report I think the *Zollverein* will solve the question of Customs, and the differences between British India and Indian States will disappear Sir, another question which is also very important is the adjustment of financial relations between the Indian States and British India There is the question of railways, there is the question of communications, and there are many other questions such as the Mint and Post Offices in which financial adjustments would be necessary between British India and the Indian States, and for this purpose, probably a Committee in which the Central Government and Indian States may be adequately represented will have to be instituted to go into details

Sir, as I said, I do not like to go into the details Had I been permitted, I would certainly have referred to the question of zemindars They are the main support of the Government and they are very badly treated in this Report They are deprived of special seats and they are advised to pay double taxes I have not seen in any country in the world that any person is asked to pay income-tax twice over as the landowners are asked to pay, first in the shape of land revenue to the Local Government and a second time again in the shape of income-tax to the Imperial Government That is an important question, about which I am not allowed to go into details at present

The next question of policy which I would like to discuss is the question of education I was greatly disappointed in not finding a single section in the second volume of the Report dealing with education in spite of the fact that the Simon Commission appointed a special Committee for this purpose, and I expected that at least they would review the findings of that Committee and lay some definite recommendations. It may be argued that education is a transferred subject and the Central Government, and probably the reformed constitution, should have nothing to do with it. Education may or may not be a transferred subject, but it is of

such importance that no person who is interested in the welfare of any country can overlook it At present education is not very satisfactory and there are several reasons for it The first reason is that, though we have appointed Ministers, very often, I do not say always, the Ministers are not educational experts and sometimes they do not have the benefit of University education themselves In the second place, the Government have not provided them with money

Mr. President I think the Honourable Member has gone too far He is going very much into details and I am afraid that he should restrict his remarks to the general policy and not to details

Dr Ziauddin Ahmad I want to discuss the policy that it ought to be the duty of the Central Government to help the Provincial Governments in education That is the point which I wanted to discuss

Mr. President That is finished

Dr Ziauddin Ahmad I am just touching the question of policy and I would ask the Honourable the Finance Member to give me, from his experience, the instance of any country in the world in which education is not supported by taxes and Customs Every country in the world devotes its funds derived from railways, from income-tax and from Customs to support education, partially though not entirely Here the Central Government gets all the income from Customs and from income-tax, but does not spend a penny in education which it is their legitimate duty to do Therefore it is rather an important financial question to be discussed in the Round Table Conference They should discuss how far the Central Government should make contributions to the Provincial Governments for the purpose of education Without such assistance, mass education or technical education is not likely to prosper The other question of policy about education is that we are all feeling just now the pinch of unemployment Now, whenever we speak of unemployment in India, we do not mean unemployment of the labourers, but we always mean the unemployment of educated middle class people Where does the fault lie ? It lies in the system of education and it is very desirable to change the ideal of education Our ideals were designed, our machinery was devised, fifty years ago by the Hunter Commission in 1882 Many things have happened during the last fifty years since that Committee met We have been demanding compulsory primary education , we have been demanding technical education , we have been demanding a change of educational ideal, but no notice has been taken by any province

Mr. President I hope the Honourable Member will pass on from education to some other important subject

Dr. Ziauddin Ahmad Sir, as you and other Members think that education is not an important subject, therefore I leave it alone and I pass on to another topic which I hope may interest you more, that is, the question of the Muslim point of view (Hear, hear) From the Muslim point of view, I have also examined the constitution very carefully I do not speak for Provincial Legislatures, which I leave to the provinces to discuss, but taking the Central Legislature, I find that we are put in the background In the Lucknow Pact it was agreed that the Muslim strength in the Assembly should be 33 1|3 or one-third Now, the Simon Commission, in their Report, reduce it to 28 per cent Now, if you work out the figures in detail, Muslim representation, in practice, will work out to less than

[Dr Ziauddin Ahmad]

one-fourth If we include the representatives of the Indian States, then the number of Muslim representatives in the proposed Federal Assembly will be further reduced to about one-fifth Now, this is a very serious item, and it is very desirable to find ways and means to overcome this difficulty and adjust the position of the Muslim strength in the Assembly by nomination or otherwise, equal to one-third, which is really the proportion fixed by the Lucknow Pact

Mr. C. S. Ranga Iyer Sir, I believe the Honourable Member is labouring under a misapprehension because there is no such provision in the Lucknow Pact

Dr. Ziauddin Ahmad The Honourable gentleman says there is no such provision If I had the first volume of the Report with me I would have been able to show that the proportion is fixed at one-third It is given in Appendix VIII of the first volume

Mr. C. S Ranga Iyer I would ask the Honourable Member to read page 239 of the Report of the Indian Central Committee, where the facts are given

Dr Ziauddin Ahmad I will deal later on with this point of order if permitted

Mr C. S Ranga Iyer It is not a point of order It is a point of information and accuracy

Dr. Ziauddin Ahmad The second point is the question of the provision of Muslim members of the Cabinet in the provinces and in the Cabinet of the Government of India People may say that it is not necessary to make statutory provision, because in practice it will happen to be so But a contingency may possibly arise and we have to provide for all emergent cases It is quite possible that in a province where the Muhammadans may be in a minority a difficult political situation may arise when the majority community may say that they would pass a vote of non-confidence on the Ministry if a Muslim Minister is included in it Sir, to meet such exceptional situations, it is desirable that statutory provision should be made for the inclusion of at least one Muslim member in the Cabinet

I need not go in detail into the other questions They have been worked out in the 14 points of Mr Jinnah and also in the Resolution of the All-Parties Conference Looking into these demands we find that there is only one point which has been acceded to, *i e*, separate electorates in the provinces With this exception, all the points have been neglected

Now, Sir, I come to the Round Table Conference, and I will make just one or two suggestions about it One very important thing is the communal question I strongly urge that the persons who will have to deal with the matter should try to settle this communal question in India before they go to England, and if the communal question can be settled in India, all the members can put their forces together and get the best possible constitution for India If by chance they could not settle it by themselves, I would not hesitate to admit my weakness frankly and ask the third party to come in and settle our differences We should be ready to pay high fees for this weakness It is very desirable to settle this thing before we go to the Round Table Conference, and if unfortunately we cannot come

to any agreement, it is quite possible that our future efforts may be wasted in the same manner as efforts and money were wasted on the Simon Commission

Mr. M K Acharya : Sir, I thank you for allowing me on this very first day of the debate on this very important question to express frankly my views on the problem in general which is before the House and before the country at large I came to this House this morning with a feeling of great shock and grief , because on my way I saw a demonstration which showed how fast we were denationalising India and corrupting the best products of India into something which might do credit to other countries, but not to the soul of our ancient Motherland I saw before me a number of girls misled into playing the part of picketers This may please the hearts of those people who want to transform India into another America and to bring India to Miss Mayo's diabolical standards , but it gave my heart great grief to see my daughters and sisters so spoiled God forbid that these things should go on !

An Honourable Member Why should they not do it ?

Mr M. K. Acharya : I decline to answer that question If the Honourable Member really wants to learn what European scientists call the Law of Sex Polarity, he should pay me for it and learn it in the proper place and manner This is not the place for it I am sorry that an Indian should put that question to me on the floor of this House, and ask why should our daughters and sisters not go on such dirty business ?

Sir, I shall now draw the attention of the House to the larger problem which I think is really the serious problem before us, which India either today or tomorrow will have to solve, namely as to what is to be her immediate political destiny Sir, what we see today in the country, as far as I, an old man, can recollect, is simply a repetition of what I saw in 1921 and took part in, of what I saw in 1917 and took part in also It is a repetition of that same story , and continuation of that same struggle that has been going on in this country for over forty years, the struggle between Britishers who would like, if possible, to continue their political domination over India for as long a time as they can, and Indians, who want to secure for India an honourable place of political partnership, though not of independence, in the great comity of nations making up the British Empire That struggle has been going on for some forty years and more , and intensively since, 1916 In 1917, I, a religious lunatic, for the first time became a political lunatic also I took part in the then Home Rule agitation under Mrs Besant—under Mrs Besant who was shut up because she was the leader of the Home Rule agitation My friend, Sir C P Ramaswami Ayyar there, must remember those years very well So should my other friend, Mr Srinivasa Ivengar, now not here, the then Advocate-General of Madras, upon whose advice it was that Mrs Besant was shut up She was interned because of certain articles, of which one was written by myself in *New India* I simply said that the struggle was a spiritual struggle, between Hiranya and Prahladh, between brute force on one side and soul force on the other It was for publishing this that Mrs Besant was shut up in 1917 ! Similarly in 1921, there was this demonstration of national aspiration on one side met by repression, as it was called rightly or wrongly,

[Mr. M. K. Acharya]

on the other side, when a number of people were sent to jail in the course of the non-co-operation movement Today we see very much the same thing It does not matter how it has been brought about some of the best sons of the country—I speak with emotion, rightly, I hope—some of the best children of the country have been shut up in places where they do not deserve to be sent

How shall we help the cause for which they are suffering ? That is the problem , and what are we here for ? We who are supposed to be also fighting for the liberties of the country, how may we best solve this question ? How shall we prepare the way for the Round Table Conference which is after all to be convened only in order to find out a solution for this great problem of how to adjust the claims of the party on that side which says, " As long as I can, I shall dominate over India ", and of the party on this side which says, " As soon as I can, I shall liberate myself from that domination and see that India gets self-government " This is the plain and simple question Now let us realise the real issue I am sorry that the discussion should have been drawn into side-tracks such as how many rupees should be demanded for education, and how many places for this community or that After all the real question is, shall India have an honourable place under the sun or not ? Shall she be an honourable partner in the great comity of nations that make up the British Empire or not ? I would beg of everybody here to pay his best attention to solving this problem, and not be obsessed by what may happen temporarily to Baluchistan or Peshawar, nor whether Muslims get 20 or 30 or 40 per cent of seats I beg on my knees of my Muslim friends to keep aside all this talk of 30 and 40 per cent of seats , they may take 50 per cent or 60 per cent or even cent per cent in the fullness of time , but I beg of them now to concentrate on winning freedom for India , and not to demean the name of their community by any preliminary demands that Moslems should have 40 per cent. representation in the services or 30 per cent in the Round Table Conference or in the Councils and so on

These are very very minor questions But first let us get from those who have got in their hands the power to give , I mean constitutionally, what we want for the whole of India Let us make them realise that all Indians are united in demanding for India what I would call self-determination—not Dominion Status For to me Dominion Status is a contemptible thing, and connotes only the domination of the few over the many it is nothing but the domination of a handful of middle-class leaders—the British Parliamentary system is nothing but the domination today over England of MacDonald and his dozen , tomorrow it may be of Baldwin and his dozen or of Lloyd George and his dozen , but there is no real democracy even there , and therefore the British Parliament is not my model Yes , let us make it clear that we are determined to win for India some form of self-government in which all the various communities and interests and castes and creeds shall have their due share And I for one am neither afraid nor ashamed, as others are, of this tangle of castes and creeds for amidst all the diversities of castes and creeds, of communities and languages, India has ever progressed Indeed, India has always stood for Unity in diversity , she is, divinely an epitome of the whole world And so India is destined to be a cultural guide to

the rest of the world—not Britain, not America, not Canada, not Australia I am proud to belong to an India so diverse seemingly Now all these communities and interests have to be welded more and more until one day India will set the example to the world of how all may unite, not only politically, and socially, but culturally and spiritually, how all may qualify themselves to stand before the Throne of God Yes, it is for India to show to the world how diverse paths all lead to one goal This is India's appointed destiny

Sir, the Simon Commission's Report naturally is just as good or as bad as any other Report of that kind I am not going to attach undue importance to it, or go on dissecting its details It is quite like any ordinary Government report The first volume contains a lot of statistical and other information which we all knew already , there is nothing wonderful about it,—it contains a lot of census figures and so on I do not see why any one should be upset about it this first volume may be of some use to people over there in England, it is no use to us here As for the second volume containing the recommendations, I must say it is of very mixed merit, it contains proofs of great logical ingenuity, not of psychological foresight, nor of human warmth We should not take seriously those people who say, " Oh, it is an invaluable report , it marks a great landmark " and all that This is all the art of advertisers I am not bound by their opinions Even the New Testament is thrown into the sea by some people is the Simon Commission's Report going to be the gospel for all futurity ? Sir, my friend who interrupts me there must set himself to read the history of the world Many Royal Commissions have come and gone , many a settled fact has been unsettled It was forty years ago that the *Times* of London wrote something like this " Do what you will, the Government of India will never become constitutional , it is by force that India was won, and it is by force that India shall have to be governed " Can anybody think of the *Times* writing that today ? Sir, I decline to take seriously any talk about the invaluable, wonderful, the almost divine significance of the Simon Commission's Report The Simon seven are not the seven sages whether of ancient Greece or of ancient India They are good men, I do not want to blame them , they have done their honest best—with a dishonest little, perhaps, here and there I am not overconcerned with what the Simon seven have done , we shall take that Report for what it is worth

This is quite by the way I am sorry, that I have been deflected from the trend of my argument As I said, the struggle is, if the other side will permit me to put it frankly, between British Diehardism on the one side and Indian nationalism or radicalism on the other British diehardism or, to use a milder word, British Conservatism says, " It is a very long way to responsible government that you have to traverse , and you will have to go very slowly , and we cannot part with control over you in a hurry " On this other side you have the surging demand for political freedom, growing in intensity every hour It is not confined to men today , women have come into the movement How are you going to reconcile this obstinate British diehardism with the demand of Indian nationalists that they should be forthwith masters in their own house ? That is the question It is a very difficult problem to solve without doubt , because in the first place there is a such great ignorance on one side and such a great distrust on the other I do not believe that the Simon

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Report will go far to dispel either British ignorance or Indian distrust I do not believe that the Report is going to make the people of England become all wonderfully acquainted with the conditions in India or genuinely sympathetic towards Indian aspirations I really do not know how many are even going to read the Report, very probably it will have a seven days' sale in the market and will then disappear But whatever happens to the Report, Sir, you have the gross ignorance to reckon with of the average Britisher with regard to India on the one side On the other side you have the great, the almost colossal distrust—not quite unmerited, I fear,—which Indians feel with regard to all protestations from England This is the two-fold difficulty How may we truly bring India and England together? Sir, I believe that India and Britain have a great common purpose to serve in the world that is to be It is for that purpose they have been divinely brought together—not for any paltry Dominion Status for India or territorial domination for England—but in order that international adjustments may go on smoother lines hereafter than heretofore, in order that Universal Dharma, so necessary for the peace of the world, may be safeguarded, in order that true Islam may triumph—not technical Islam For this India and Britain have to be even more closely welded together, how shall we do it? How shall we get rid of the terrible ignorance of the Britisher on the one side, of the colossal distrust and lack of confidence of the Indian on the other? I believe that is the problem that His Excellency Lord Irwin is trying to solve, I believe that all these three years he has been attempting to bring some among the best Britishers and some of the best of Indians together in order that they may help to solve this problem

Apparently, it is only a problem of constitutional advancement for India, but really, in the long run it will be found, it is a problem of world solidarity and world progress It is a colossal problem therefore We Indians have been trying in our own way to solve it We said in 1921 that the Montagu-Chelmsford reforms were inadequate, unsatisfactory and disappointing, and a good many of us stood aloof from working those reforms But in 1923 we tried to make some kind of compromise, and some of us did come in, and the very first thing we did, as soon as we came in in 1924, on the floor of this House, was to pass a Resolution demanding constitutional revision, and pointing out the method of that constitutional revision What was that method? Here, Sir, is the Resolution moved by Pandit Motilal Nehru on the 8th of February, 1924, which said

"This Assembly recommends to the Governor General in Council to take steps to have the Government of India Act revised with a view to establishing full responsible Government in India and for the said purpose to summon at an early date a representative Round Table Conference to recommend, with due regard to the protection of the rights and interests of important minorities, a constitution for India"

This is what in 1924 Pandit Motilal Nehru himself as our leader, my leader then he was,—I wish he were my leader in the House today—and he was then also the leader of my friend over there, Mr Ranga Iyer, that is what Pandit Motilal Nehru demanded in 1924 Sir Malcolm Hailey with great eloquence quoted from Shakespeare and described the Pandit as being

"Like one who stands upon a promontory
And spies a far off shore where he would tread,

Wishing his foot were equal with his eye ,
And chides the sea that sunders him from thence,
Saying that he will lade it dry to have his way ''

And so, Sir Malcolm practically said, " How are you going to get to that Heaven ? '' In a word, he said, we must wait and wait and wait. Now the House will see that a Round Table Conference was proposed in 1924, to settle the details of our constitutional scheme , and after that, Pandit Motilal Nehru's Resolution wanted " to place the said scheme for approval before a newly-elected Legislature for its approval and submit the same to the British Parliament to be embodied in a Statute '' So we did recognise the British Parliament as the final authority to pass the statute revising the Indian constitution The same process I hope, Sir, we shall be able to accomplish now, if there be goodwill on both sides, by means of this proposed Round Table Conference We shall attempt in December or in whatever month it may be in the year 1931, a thing which we wanted to accomplish in 1924, I mean through a preliminary Round Table Conference settling the details of the scheme, with adequate safeguards for British interests, with adequate safeguards for my friend's communal interests, and with adequate safeguards even for the interests of my Brahmin community, if I may say so All this we wanted in 1924 Let us hope that we may get it at least now, because, after all, man has to live on hope Therefore, Sir, this idea of the Round Table Conference is no new thing, and those like me who have been in the House for the past seven years, will remember how we tried hard to press this matter then, now unfortunately the then Government of Lord Reading—I wish Lord Irwin had been the Viceroy then—how the Government of Lord Reading kicked that Resolution into the waste-paper basket

Dr A Suhrawardy : You are kicking the Round Table Conference now

Mr M K Acharya : I am not doing it, Sir Therefore, Sir, this Round Table Conference, for which we have been asked some money this morning, is not altogether a new thing At the Round Table Conference, I am glad His Excellency in so many terms announced it yesterday, Indian and British representatives will meet on terms of perfect equality and discuss and settle details And here again, Sir, may I venture to disclose a little secret ? (Hear, hear) There may be people outside who will say that I have been purchased by Government, that I am attempting to play into the hands of the Government, or other uncomplimentary things about poor me I am not afraid of what false, prejudiced people say God above knows I am speaking the truth Now, if the Congress had been less obstinate and more far-seeing in January, 1928, we might have got, in 1928, January, what we are likely to get in 1930, December I wish to read to the House, Sir, a draft Resolution from the Assembly debates This was meant for the 16th February, 1928, the day on which we debated a Resolution about the Statutory Commission, when the boycott of the Statutory Commission was resolved upon a Resolution moved by the late Lala Lajpat Rai That was done because the Congress in 1927, very unfortunately, in my opinion, resolved on the unconditional boycott of the Simon Commission Although I was an ardent Congressman, although I was a member of the Congress Party then, I took courage, Sir, in both my hands, to think

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a little for myself and to put up a Resolution which was slightly different from the Congress Resolution I was helped by certain very influential and very learned people to draft that Resolution before it was admitted by the President That draft Resolution of mine the gods decreed to come out in the ballot Yes, it did come out in ballot, but I am sorry to say that I had not after all the courage to move it on that day For, if I had moved my Resolution, as I shall tell you presently, something would have happened which should have saved us all a lot of difficulty Now, Sir, this was the Resolution which I could have moved on the 16th February, 1928

"This Assembly recommends to the Governor General in Council that he do make an authoritative statement regarding the powers and rights of the Committee of the Central Legislature proposed to be appointed to co operate with the Parliamentary Commission on Indian Reforms, and this Assembly further recommends to the Governor General in Council that he do inform His Majesty's Government in England that in the considered opinion of this House no such Committee should be appointed, unless the Committee have absolutely equal rights and status with the Commission and the Joint Committee of Parliament in sifting the materials collected by the Government in India for any inquiry into the working of the present Reforms, and also in taking and testing evidence relating to further Constitutional Reform, including draft Constitutions for the establishment of Responsible Government in India"

This Resolution, in other words, demanded that the Indian Committee and the Statutory Commission should sit on equal terms and sift all the materials, produce one joint Report, submit it to Parliament, and when the British Cabinet brought its Bill before the Joint Parliamentary Committee, the Indian Committee should sit on equal status and terms with the Joint Parliamentary Committee and examine that constitution This was my Resolution, Sir, then, and I must say that, when this Resolution came out in the ballot, then very, very strangely, I received a note from Government House calling on me to see His Excellency the Viceroy. When I went to him, he asked me to go back and tell the leaders of my party that His Excellency would be willing to accept this Resolution if moved That is a secret which I kept confidential during these two years But on that eventful day in 1928 I was after all persuaded to think that as a humble member of the party, the party mandate was binding on me, and so when I was formally called up I simply said that, "Under instructions of my party I do not move the Resolution" Then came the next Resolution of Lala Lajpat Rai, and he of course thundered away and easily succeeded in persuading the majority in the House to accept his Resolution for unconditionally boycotting the Commission, and the boycott was passed by a majority of this House Now, Sir, I am in a position to state the honest truth I knew that, even in 1928, His Excellency Lord Irwin was for securing for the representatives of the Central Legislature in India absolute and perfect equality

Mr C S Ranga Iyer: On a point of order, Sir Is it in order for an Honourable Member to refer in this House to some conversation which he is alleged to have had with some high authority outside?

Mr. President: I hope the Honourable Member will avoid making a reference to some private conversation he had with some one outside.

Mr. M K. Acharya Sir, I take the fullest responsibility for the truth of my statement Yet I bow to you , I do not want to drag in anybody's name I simply make the statement, and I say I take the fullest responsibility for the statement, that in 1928 the Government of India were prepared to secure for any committee that might be appointed by the Indian Central Legislature equal status and equal powers with the Statutory Commission appointed by the Parliament in 1928 and with any Joint Parliamentary Committee later I do not want to drag in names , but I do make the statement that I have good reason to believe that for the past two or three years His Excellency the Viceroy and the Government of India have been trying to secure for Indian representatives and for British representatives occasions and opportunities to come together, to discuss freely, and to arrive at some satisfactory solution of the great constitutional problem, in which solution both England and India are both vitally interested That is the point towards which I am driving The Round Table Conference idea, I do not believe, dropped from heaven at the end of 1929 I believe there was a desire—I do not know whether the original initiative came from the Government of India, or the Government in England, or from which particular statesman, here or there, but there has been during these two years a desire,—and I give credit for it to the Government of India in the collective sense, because I suppose I should not refer to His Excellency Lord Irwin—there has been some real desire, so far as I can see, to bring the representatives of India

Mr President : I hope the Honourable Member will avoid repetition and will come to the point

Mr M K. Acharya . I am ready to sit down if my talk is unpleasant.

Mr President : I do not want to gag Honourable Members, but I want that the Honourable Member should not repeat the same argument. He has been repeating the same thing over and over again I should like the Honourable Member to speak to the point at issue

Mr. M K. Acharya : I, of course, bow to your ruling , but I am not accustomed to be an irrelevant speaker, I thought However, Sir, I shall try to learn, if I can, even in my old age the new laws of relevancy Now, Sir, here is the present troublesome situation Just as in 1928 the Congress resolved on unconditional boycott of the Simon Commission and not on qualified boycott, so unfortunately now the Congress has launched on civil disobedience Greatly as I long,—I do long as greatly as others—to see India free, I say with all veneration, with all respect to the Congress leaders, I am afraid I cannot but deplore the fact that the civil disobedience movement has been started a little too prematurely. After the declaration by His Excellency that there was going to be a Round Table Conference, I for one, speaking in all humility, would have preferred that Mahatma Gandhi should have waited until the Round Table Conference was held , and then if nothing came out of it,—I for one was always prepared for the worst, " Blessed are those that do not hope for they shall not be disappointed "—if nothing came out of the Round Table Conference, and if then Mahatma Gandhi had started his civil disobedience movement, I for one should be the first of his followers Any way, the civil disobedience movement has been started ; it has been going on for three months , and we see the great tension to-day I

[Mr M K Acharya]

believe it is our duty today to try to ease that tension, to find some way of bringing the best brains in India and in England together to solve the great question The Round Table Conference is going to be held, as I see, in order to bring together the best brains of India and of England together And the purpose of the Round Table Conference, I hope, is, as I have already stated, not to see which particular community should have what number of seats, how many ministerships here, how many ministerships there, or how many appointments elsewhere, and so on, but to find out a general scheme of constitutional development which would enable India to take her rightful place among the great partners of the British Empire Now, I am very anxious that the very best brains of India should go to England, and so I am in favour of the Round Table Conference

I am very anxious that the very best sons of India should go to England I am anxious that men should go—not men who will clamour for particular privileges for particular communities, sub-communities, and so on, but I want that those men should go who will have a larger vision of the future destiny of India, who will demand self-determination for India, the right, in fact, hereafter to shape the constitution in such a way that it will be in the best interests of all the interests in India Everything else appears to be very subordinate, very subsidiary I would, therefore, beg of the Government to see, and of this House to see that only the best men are sent How can the best leaders of India be in England in October or in December unless some way is found to bring out the great leaders who are now in jail ? The very great delay taken by the British Government in responding to the Indian appeal, to the persistent Indian demand, has exasperated these Indian leaders. Rightly or wrongly, they are in a place where they do not deserve to be Can there be any Round Table Conference worthy of India in the eyes of the world without Mahatma Gandhi at the head of the Indian delegation ? That is the question that troubles me I am not, after all, an unqualified follower of Mahatma Gandhi I have my differences with him, but, with all his faults, he is the greatest son of India today There is no denying it He is the greatest son of India today, and I therefore beg of Government to see some way for bringing out Mahatma Gandhi, for bringing out Pandit Motilal Nehru Without these two and some others along with them, will that Conference, will that delegation to England be a delegation worthy to be called an Indian delegation ? Therefore, Sir, we must create the necessary atmosphere of peace and goodwill in India as early as possible by which these great sons of the Motherland can come out We want to create some true measure of peace and goodwill in the country On what plank shall we have it ? On what programme, on what conditions, subject to what safeguards ? These are points which I will beg leaders on this side of the House and leaders on that side of the House very carefully to consider This civil disobedience movement must stop The best brains of the country must go, and all of us should put our shoulders together in order to see that the problem of India's future self-government is solved satisfactorily How are we to do it ? How can there be a Round Table Conference, therefore, without this preliminary work within the next few weeks of clearing the atmosphere and making it one of peace and goodwill in

order that the greatest of the leaders of India might come out ? I put this subject of proper representatives down as a definite cut, but I am not keen to move it

Here are my ideas I want somebody to go and speak and interpret the soul of India to England I really do not know who is best qualified for it I know that there are a great many able children of India,—great lawyers, great educationists, great administrators Indians there have been great in many walks , but I am yet to come across a recognised public man who dare dream of the future of India in the spirit in which he ought to dream I would like to find today somebody like the late Swami Vivekananda , I want somebody like the late Lokamanya Tilak or Das who will be a first class constructive political thinker Dominion Status, Nehru Committee's scheme, the Australian constitution, the Canadian model—these are all to me contemptible objectives I want first class political thinkers (*An Honourable Member* " Why don't you produce a scheme yourself ? ") (*Another Honourable Member* " What about yourself ? ") I am not a leader , I am content to be a follower Therefore, Government and we alike must take pains to find out the proper men. Who knows there are not in the country great minds ?

" Full many a gem of purest ray serene,
The unfathomed caves of ocean bear "

They may not be sitting on the front Benches here , but I am sure that somewhere in the bowels of Bharata Mata lie hidden great geniuses that can produce some of the finest constitutions in the world It is your business, of those who want the Round Table Conference, it is your business to find out those talents

Again, the Government must invite to the Round Table Conference representatives of all parties, communities and interests in the land that count I know my difficulty I am speaking now in some representative capacity A number of orthodox Hindu organisations have put this point before me Our difficulty is this Comparatively speaking, my Muslim friends are at a greater advantage , because they have an All-India Muslim League But there is no such recognised organisation on behalf of the orthodox Hindu community , and what organisations there are have not the same status, nor the same advertising capacity in the newspapers as perhaps other organisations have

The All-India Muslim League looks after the interests of all Muslims.
4 P.M (*An Honourable Member* " You have the Hindu Mahasabha ") I do not want to you all the recent Resolutions passed about the Hindu Mahasabha , I may just say that the All-India Sanatana Dharma Conference held in Bombay very recently dissociated itself completely from the All-India Hindu Mahasabha, because the All-India Hindu Mahasabha consists only of a few denationalised social reformers , and very unfortunately it has ceased to command the respect of orthodox Hindus That is our great difficulty Among my orthodox countrymen there are not many who are in the political forefront. There are many great souls, many great Pandits, many learned men ; but the Anglicised Indian has no respect for the old learning which he despises as Panditary The Anglicised Indian honours only those who can talk English glibly Whoever can talk the foreign language well, becomes great and poses as a great leader That is unfortunately the difficulty of the orthodox Hindus We do not know who are going to be the representatives

[Mr M. K. Acharya.]

of orthodox Hindu interests at the Round Table Conference (*Voices* . "Oh, oh") I will beg of you not to interrupt me

Mr. President : I beg of you not to attend to the interruptions

Mr. M K Acharya : I know, Sir, that my friend the great Rai Sahib Harbilas Sarda, the hero of the Sarda Act, may consider himself to be the best representative of all Hindu India in his own estimation , but I am afraid not even my very esteemed friend, the Right Honourable Srinivasa Sastri, can truly claim to have the confidence of orthodox Hindu India Therefore it is for the Government to find out who is competent to represent the interests of Hindu India, of orthodox Hindu India It will not do for the orthodox Hindus to be represented by those so-called reformers who want untouchability Bills and promiscuous marriage Bills and so on I claim, Sir, we too have a place in India We make up some 20 or 22 crores of the population of India Except for a few lakhs of Anglicised Hindu social reformers, all the rest of us are proud to be orthodox Hindus Our interests must be safeguarded—our religious and our worldly interests, our economic and our political interests also Therefore, Sir, I plead on the one side that there must be the representatives of the Congress Party—which from the political standpoint, is the most dominating popular party in India , and I plead on the other side that you must also have some representatives who can speak for the vast bulk of orthodox Hindus who cannot be represented by any Anglicised social reform gentlemen of Bombay or Lahore or even Madras or Allahabad We also must have some representative there—(in reply to an interruption)—No, Chingleput will not go That is another point I wish to place before Government

Mr. President : I hope the Honourable Member will now try to conclude his remarks

Mr. M K. Acharya : Yes, Sir. That is what I am trying to do. These are my points The Round Table Conference must be convened , but for what function ? It may be due to the official reticence of the spokesman in England or in India, but through whatever reason I am sorry that the function of the Round Table Conference has not been properly conceived and put forth before India, or before England for the matter of that, so far as I know The function of the Round Table Conference ought to be to bring the best brains and hearts of England and India together in order that they may confer on the goal in all humility, in order that the diehardism of England may go and the distrust of India may disappear , in order that the two countries may come together in close and brotherly relation , in order to find out a scheme by which the soul of India may expand and develop and manifest itself to Britain, and through Britain to the rest of the world I know we shall have to wait long until the time comes when the rest of the world will be able to take lessons. politically, socially, spiritually, from the great constitution, which will be India's constitution, perhaps a hundred years hence Meantime in order that England may understand aright, in order that India may teach to England what the true soul of India is, this Round Table Conference must be convened, not for trifling details of places here and places there, or even provincial autonomy and things of that kind. Now, Sir, if this should be the true function of the Round Table Conference, Government should take all the care they can take to send to England those

who can speak to England aright on behalf of India, who can interpret the soul of India to England aright, and bring that kind of moral and spiritual pressure to bear upon the statesman in England as will help them to recognise the just claims of India I want the best sons of India and of England to be brought together in order that, in the most friendly manner, without hitch, without strife, without struggle, through soul-force a constitution may be evolved which may be well worthy of England to give and well worthy of India to take That is the great purpose we must set before the Round Table Conference I do for this reason, for this dream if your please, support the offer of the Round Table Conference , and I beg of all of you to unite in bringing to it Mahatma Gandhi and Motilalji and others who can speak freely, not stuntedly, for the purpose of securing for India her rightful place among the nations of the world. She was once the mistress of the world and in the distant future (Laughter) You may laugh now as much as you like, but those who come to scoff will remain to pray in course of time The conquest of the world by India's spirituality is what we should aspire for and towards that end we want an honourable political constitution, not for the sake of a few places anywhere for a few people I repeat I want political autonomy, self-rule or Swaraj, or whatever else you may call it as a means towards a higher end , for I, for one, believe there is a greater world-purpose to be served, namely, the conquest of the world by India's spirituality That is the final goal—nothing more and nothing less Therefore, I beg of every competent Mussalman friend and every competent Hindu friend to go to the Round Table Conference and place the very best that Muslim India and Hindu India has to place before the world, to convert England to the universal Dharmic creed of India, and bring about that consummation of joint effort towards world-harmony which we all so earnestly desire. Sir, subject to the suggestions I have made, I support the original motion

Dr Ziauddin Ahmad : I want to place before the House a correction of fact

Mr President : Under what rule ?

Dr Ziauddin Ahmad On a point of personal explanation, Sir

Mr President : That is not a point of personal explanation

Mr. Muhammad Yamin Khan (United Provinces Nominated Non-Official) The question before us is at present whether the recommendations contained in Volume II of the Report of the Indian Statutory Commission are satisfactory and adequate or not, and that is the only point with which we can deal at present Of course, my friend, the Honourable the Mover, of the cut recognises indirectly that the suggestions, recommendations and findings in the first volume of the Report are satisfactory, and whatever is found in Volume I is really satisfactory to him and he does not challenge it at all As far as I have heard the debate that has gone on in this House, I have not heard any individual Member challenging the survey contained in the first volume of the Report. Now, the only point of difference is whether on the basis of those things which the Commission have written in their first volume the recommendations contained in the second volume are really satisfactory or not Anyone who reads the first volume will appreciate that the grasp of many facts which the Simon

[Mr. Muhammad Yamin Khan]

Commission showed was really creditable, and they came to many correct conclusions and arrived at many correct findings about the situation which was existing in India at that time There have been certain changes since then on many things Now if a great portion of the considerable matter which is contained in the first volume is put up before anyone now, he may now make certain suggestions and recommendations probably different from those that the Simon Commission have made The attempt in the second volume seems to be the result of three parties differing in their recommendations Probably the Labour Members were thinking of making different recommendations to what the Conservative Members were thinking of making and the Liberal Members were trying to make up their mind as to the recommendations , and the result was that a kind of compromise was arrived at between the three groups, which has left practically no idea of any party or of any sect, and therefore the findings at which they have arrived and the recommendations which they have formulated fall short of everybody's expectations (Hear, hear) Their attempt has been to win over everybody's heart, but a man who tries to win over everybody's heart certainly fails in his attempt altogether Now we cannot say that their recommendations are altogether satisfactory or altogether unacceptable There may be certain recommendations which may be acceptable to somebody, while there may be other recommendations which may not be acceptable to that very person, and for the other party there may be other matters which may not be as acceptable to them as those which have been acceptable to the first few

Mr. M A Jinnah What do you accept ?

Mr Muhummad Yamin Khan I accept certain portions, as probably you may have read from the Report regarding the All-Muslim Parties' recommendation

An Honourable Member They do not accept anything ?

Mr M. A. Jinnah What do you accept, can you tell us ?

Mr. Muhammad Yamin Khan I hope my Honourable friend, who is a senior Member of the House, will not try to interrupt me like this

Mr M A. Jinnah I was only trying to seek the information, what part do you accept ?

Mr Muhammad Yamin Khan If my friend will have patience, as I have patience when he is speaking, probably he will come to know There are many matters I would like to mention here that one of my Honourable friend's demands was for the federal system of Government in the centre Of course that principle has been accepted, though not to the extent my friend wanted, but they have laid down the seed, and they want to build up a constitution according to that scheme That may be a contestable point, but the principle is there, the constitution they have laid down is there, and the principle they have accepted is acceptable to me as well as to my friend, Mr Jinnah.

Mr. M A. Jinnah . I do not agree with that at all, Sir

Mr. Muhammad Yamin Khan : That is very unfortunate Then, Sir, another point which was acceptable to my friend, Mr Jinnah, was the separate representation of the minorities or of the Mussalmans at least, and that has been accepted.

Mr M. A. Jinnah Not as I wanted

Mr. Muhammad Yamin Khan So, Sir, that point has been acceded. (*Honourable Members* "Question") As long as that principle exists there, nobody can contest that they have not conceded the principle which had been asked for (Laughter) There may be other points which are not acceptable to him and to me and to everybody else First of all, Sir, to me coming from the United Provinces, I know that my province laid great stress upon a second Chamber and they wanted that there should be a second Chamber for the Provincial Legislature Now the Simon Commission have not accepted it, although they recognize that there ought to be one, but they leave it for the future I submit we cannot accept their recommendations, and the second Chamber is essential for a Legislature like that of the United Provinces The scheme for that Chamber was not put forward merely by the Government, but was accepted by all the parties concerned in the provinces The Committee from the Provincial Legislature, which sat with the Simon Commission to help them, recommended that there ought to be a second Chamber, and they have conceded this point, and they say, "The United Provinces of Agra and Oudh demand a second Chamber and we recognize the necessity of a second Chamber, but we are not ready to accede to this request at present" The material point in the first volume contained, I must point out, another point which they did not bring out in their second volume, *viz*, in the first volume they say that the zemindars and taluqdars are the natural leaders of the masses, that the opinion of the former has got a great weight in the province and they have got great influence and the masses follow them as their natural leaders, but, still, Sir, when the question comes up in the second volume as to whether zemindars and taluqdars should have separate seats allotted to them, they do not see the necessity for that, and this conclusion cannot be accepted by the zemindars and taluqdars and other people who have got vested interests in the country I do not see why the Simon Commission laid so great stress upon the interests of the commercial classes being represented in the Legislatures We have got so many different people who come here to represent the interests of commerce only The European Group is mostly concerned with the commercial community They have got no other interest except commerce There are many other people from Bombay, Calcutta and other places who come here to represent commercial interests, but why, Sir, when it is recognized that, since these classes who have got vested interests in the country, must be given separate representation, the same consideration is not shown to the zemindars and taluqdars who have got much larger vested interests than the commercial classes A commercial man may be carrying on his commerce today in the country and may wind up his business tomorrow and leave the country, but the zemindar, who owns big areas of land, cannot leave the country which is his home in a similar fashion Moreover, when it has been recognized that he is the natural leader, I do not see why he is not given the same right as is given to the commercial community Here, Sir, the Simon Commission I think have failed in their recommendation. By the recommendations contained in the second volume of their Report they are runing counter to their own arguments contained in their first volume.

There is, Sir, another point Although they recognize about the frontier that the North-West Frontier Province has got people who are

[Mr Muhammad Yamin Khan.]

as intelligent as the other people in India, and they recognize and adduce arguments by reading which in their first volume one would come to the conclusion that they—at any rate I would have thought so—were going to recommend full autonomy for the North-West Frontier Province, yet, by adducing different reasoning in the second volume, they absolutely contradict their own arguments contained in their first volume on this point And then they say that the people who are living in a powder magazine cannot light matches for lighting their cigarettes That is an absolutely unsound reasoning and cannot be supported by any facts and figures The one great objection which could have been taken was on the financial question They recognise that, for internal purposes and for the administration of the province, the revenue of the province would suffice It will fall short by a very small sum which can be given by the Central Government The only expenditure which is beyond the revenues of the North-West Frontier Province is for the Imperial purposes for which the North-West Frontier Province can have no responsibility at all That expenditure should be met from the Central revenues While recognising all these factors, they come to propose a constitution for the North-West Frontier Province which, of course, cannot be accepted by that province, and it cannot, I think, be accepted by India as a whole This House has laid great stress and has passed unanimously a Resolution demanding the same constitution for the North-West Frontier Province as is given to the other provinces in India That Resolution was even supported by the late Lala Lajpat Rai and it had this great force, that the whole political India and the people of the North-West Frontier Province are unanimous in demanding a constitution similar to other provinces which is denied by the Simon Commission That was the basis of one of the great demands of the Mussalmans, because when the Mussalmans thought about the federal system, the great factor was the creation of certain autonomous provinces, on which Muslim India could rely But the system which they have evolved in the federation, although it will be improved upon in the future, is so dark, that nobody can predict when it will mature and when this federation will come into shape, as was demanded by my friend, Mr Jinnah

There is, Sir, another point which cannot be accepted by many people in India, and that is a new device of proportionate representation in the federal system which they have laid down That is bound to create the same friction in the minds of the Mussalmans and the Hindus and will also create disturbances for which they have been trying to seek a remedy They recognise the necessity of separate representation in the Central Legislature but it is a fallacious argument when they say that the Mussalmans should have a proportionate representation in the Central Legislature, but at the same time they devise means whereby only a Mussalman in the Provincial Legislature will vote for a Mussalman and a Hindu for a Hindu and a member of the depressed classes for a member of the depressed classes When they recognise this principle, then there ought to be a separate election and, in fact, there will be a separate election of these people I do not see why these differences have been created and dragged into the Provincial Councils for the election of the Members in the Federal Assembly when people in the Provincial Councils can live very peacefully after they have sought their election from their constituencies This is a seed which will bring about conflict of opinion and

conflict of interests and many people will be dragged into some kind of controversy, which will not be desirable or healthy in the Provincial Legislatures I would have said nothing, had there been a finding that there should be no communal representation in the Central Legislature That would have been a very strong argument in favour of them But, on the contrary, they have said that there ought to be a sufficient representation of the Mussalmans in the country They do recognise that, in the Federal Assembly, the Mussalmans must be sufficiently represented, and they have devised the means by which they should come in through the Provincial Councils This is creating bad blood in the provinces, where the Mussalmans and Hindus are working side by side in great co-operation with each other I think my province has been one of those provinces which has set up the noble example of how the Hindus and the Mussalmans can work in the Provincial Council harmoniously and in collaboration with each other That fact could have been seen from even the Report of the Provincial Committee, which was unanimous Even the Hindu members have supported the demands of the Mussalmans In fact, they have come to a unanimous conclusion on this question

Mr President What about Mr Khan's minute of dissent ?

Mr Muhammad Yamin Khan His note refers to certain points which were not the common concern of both communities On the general question, however, the Muslim members and the Hindu members came to the same conclusion except on a few points So, I do not think this device will create a healthy influence I do not like the scheme whereby a Mussalman candidate runs only after the Mussalman members, a Hindu member only after the Hindu members and a depressed class member only after the depressed class members I fail to see the efficacy of this system when the depressed class representative in the Provincial Legislature comes by the vote of the depressed class men as well as of the caste Hindus It will be creating very bad blood when a depressed class man will seek his vote only from the depressed class members of the Provincial Legislature I think that device will be more harmful than the system of separate representation given to the constituencies They have so much magnified this question of proportionate representation in the Provincial Legislatures that it will spoil absolutely the harmony which exists at the present moment in the provinces and I think nobody can accept this principle By this device I am sure the results which they have anticipated will never be achieved I challenge Anybody who maintains that it will be possible to achieve the results which the Simon Commission have contemplated There is one great drawback in this proportionate representation from the Provincial Councils, and it is this They presume that there will be only so many candidates standing from one community as will be covered by their proportionate representation Supposing in one Provincial Legislature there are only ten Mussalman members and the first five votes can be given to one Muslim candidate and the second five votes to the other This can be done only when there are two Muslim candidates But if there are three candidates, none of them will be elected So, I do not think this device will be a great boon for the minority communities One factor that has been recognised by the Simon Commission, for which I give them great credit, is that the problem of India is the problem of minorities If the problem of minorities is settled, then the question of India's future is settled India can never be bright unless the minorities in all the provinces, whoever they may be, whether they are Muslims, Hindus or Sikhs, feel security at the hands of the majority. They

[Mr Muhammad Yamin Khan]

must feel that their rights will not be trampled down by any one community when they are in power and that they will receive the same consideration from the majority communities as they expect to be their due share If any community has any suspicion in its mind that it will not be treated properly in future, then it can never agree Then there must be a third party coming up to decide between them As long as the majority community in every province does not come to understand that they will have to deal with the minorities in such a way that the minorities may feel security at their hands, and as long as the majority communities do not accede to the demands which the minority communities are putting forward, so long will India never improve and will never be able to achieve what it is aiming at There are all these intricate problems

Mr President . How long does the Honourable Member wish to speak ?

Mr Muhammad Yamin Khan : About half an hour Sir

Mr President The House stands adjourned till eleven o'clock tomorrow morning

The Assembly then adjourned till Eleven of the Clock on Friday, the 11th July, 1930.

LEGISLATIVE ASSEMBLY DEBATES

FRIDAY, 11th JULY, 1930

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LEGISLATIVE ASSEMBLY

Friday, 11th July, 1930

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr President in the Chair

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MEMBER SWORN

Mr Satish Chandra Sen M L A (Calcutta Non Muhammadan Urban)

STATEMENT OF BUSINESS

The Honourable Sir George Rainy (Leader of the House) With your permission Mr President I wish to make a statement concerning next week's business in this House On Monday Government propose to put the motions necessary in order to pass the official Bills which have come before the Assembly at one stage or another during the present Session First of all, there are the Lac Cess Bill and the Bill further to amend the Negotiable Instruments Act 1881 Reports of the Select Committees on both the Bills are before the House The other four Bills are (1) the Bill to amend the Indian Forest Act 1927, (2) the Bill further to amend the Indian Telegraph Act 1885, (3) the Bill further to amend the Bombay Civil Courts Act, 1869 and (4) the Bill further to amend the Benares Hindu University Act, 1915

After the legislative business is finished on Monday, I propose to move two Resolutions, both dealing with draft conventions made by the International Labour Conference at its 12th session held in Geneva in 1929 The first relates to the protection against accidents of workmen employed in loaded or unloaded ships the second to the marking of the weight of heavy packages transported by vessels

The House will also be asked to elect two of its Members to be members of the Governing Body of the Indian Research Fund Association Subject to your approval, Mr President, I propose that nominations should be made on Monday and the election held, if necessary, on Tuesday

Finally, with your permission Sir I shall move a Resolution regarding the exercise of the option which the Governor General in Council will shortly have of purchasing the Assam Bengal Railway The option of giving notice of the intention to purchase must be exercised before the 31st December, and it is important that the House should have an opportunity of expressing its opinion

Tuesday will be devoted to non official Bills Wednesday and Thursday to non-official Resolutions If the Government business is not finished on Monday, Government will ask you to direct that the House should sit on Friday, the 18th

THE NEGOTIABLE INSTRUMENTS (SECOND AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE

The Honourable Sir George Schuster (Finance Member) Sir, I beg to lay on the table the Report of the Select Committee on the Bill further to amend the Negotiable Instruments Act, 1881, for a certain purpose

ELECTION OF THE DEPUTY PRESIDENT

Mr. President : More than one Member having been proposed for the office of the Deputy President, the House will now proceed to the election by ballot of a Member to fill that office in accordance with the provisions of Standing Order 5 (3) of the Standing Orders of this House The names of the candidates proposed, together with the names of their proposers and seconders, were read out to the House by me yesterday Since then Sardar Gulab Singh has intimated to me that he has withdrawn his candidature There thus remain the following three candidates who have been duly proposed and seconded for election

1 Sir Hari Singh Gour
2 Rao Bahadur M C Rajah
3 Lieutenant-Colonel H A J Gidney

The rules regulating the manner in which the ballot shall be held have already been circulated to Honourable Members

Honourable Members will now come up to the table and receive the ballot papers for the first ballot from the Secretary in the order in which I call their names

(The ballot was then taken)

Mr. President : I hope that votes have been recorded by all Honourable Members who desired to vote

(After the votes had been counted)

Mr. President : The result of the voting is as follows

Sir Hari Singh Gour	62
Lieut -Colonel H A J Gidney	17
Rao Bahadur M C Rajah	15

As Sir Hari Singh Gour has got more than half the total number of votes I declare Sir Hari Singh Gour duly elected The approval of His Excellency the Governor General is necessary by statute for this election and it will be duly sought for

DEMANDS FOR SUPPLEMENTARY GRANTS—*contd*

MISCELLANEOUS

Inadequate and Unsatisfactory Suggestions and Recommendations of the Indian Statutory Commission

Mr. President : The House will now resume discussion on the supplementary grant which was moved by the Honourable Sir George Schuster yesterday and on the cut moved by Mian Mohammad Shah Nawaz Mr Muhammad Yamin Khan was speaking last and I will now call upon him to resume his speech. But before I do so, I would like to

inform Honourable Members that there is a desire on the part of a very large number of Members to speak on this question Considering that there are so many new Members in the House, who will have only this opportunity of addressing the House, I am very anxious to give an opportunity to as many Members as possible This can only be done if Honourable Members would try to restrain themselves in making speeches. Although there is no time limit, and I do not want to gag Honourable Members, still I hope that Honourable Members will try to be as brief as possible, in order that a larger number of Members may have an opportunity of speaking on this subject Mr Muhammad Yamin Khan

Mr. Muhammad Yamin Khan (United Provinces Nominated Non-Official) Sir, I was talking about the problem of minorities yesterday when the House adjourned for the day Once it has been found by the Simon Commission that the problem of India is the problem of the minorities, and that it should be solved as amicably as possible, I submit that there cannot be proper progress, proper constitutional progress in India as long as the problem of the minorities is not solved Now, Sir, as regards the system which has been proposed by the Simon Commission for representation in the Federal Legislature, that is, the indirect method, although I am in favour of the indirect method, the method which has been recommended is not acceptable to any one. They limit the franchise to only a few people, and when they wanted that the indirect method should be applied for the election of Members to the Federal Assembly by Provincial Legislative Councils, they had a difficulty before them That difficulty was that in certain Councils certain communities had a very limited number of their representatives, and it would not have been advisable to suggest that ten persons should elect two representatives of their own community for the Federal Assembly They laboured under that difficulty and they proposed that the entire Council should send representatives to the Federal Assembly At the same time they should have realised that it would be impossible and impracticable for the entire Council to vote and send people who might be considered true representatives of the communities coming up in the Provincial Councils through the separate electorates They realised that Members of particular communities should vote for their own representatives But they could not suggest it because they knew there would be few voters of each community in the Councils of the provinces and they did not want to limit the franchise in such a way that it would make their suggestion ridiculous if they had proposed it In trying to avoid the impression in the eyes of the public that their suggestion was ridiculous, they have proposed a scheme which cannot be acceptable to any one If an indirect method had to be sought, they could have given wider representation even there Why should not the members of the Municipal Boards and District Boards, who come up from different constituencies, be included in the list of voters in the scheme of indirect election ? They play the part of representatives of certain constituencies in a limited sphere Why should they not be allowed to come up and have a choice in the selection of the Member who comes to the Federal Assembly ? There may be others under this method, like the members of the Courts of the University. There may be a wider franchise for this than that for the Provincial Councils They knew that the proposal which they were putting forward must be disguised in such a way that it might look to

[Mr Muhammad Yamin Khan]

a practical proposition It is a practical proposition only in theory, t in practice it is not a practical proposition at all As far as I have thered the views of a majority of the people in India, their views are pose: to this system and they will never accept the recommendation ich has been put forward for the election of the Federal Assembly, as s been suggested by the Simon Commission There may be a direct indirect method I would much like the indirect method but not in y way suggested by the Commission Undoubtedly everybody wants it the qualifications of the people, who want to seek election to the sembly, must be higher than what are generally accepted as sufficient the Provincial Council, but we cannot discuss that question now beise it will be framed in the rules that will be made under the constiion

The second point is about the Council of State Here I think they re in a difficulty to make any suggestion at all They did not know what say They wanted to say something They wanted to say something ferent from the present constitution While labouring under that idea, y put up a suggestion which is novel and which I think is absolutely acceptable to anybody In a bicameral system, if there is an election indirect method to one House, certainly there ought to be representa- by direct election in the other House They ought to have proposed the Assembly a direct election and for the Council of State an indirect tion But while they have suggested that there should be an indirect tion to the Federal Assembly, they thought, as the Council of State going to be a revising chamber, that they could not possibly suggest irect election there and they had no idea at all as to what to suggest y found no fault whatever with the present system of election and the stituencies of the Council of State, and unless they have shown any d ground for changing the present system, the change they have sug- ed cannot be accepted I think the present constitution of and the hod of election for the Council of State is quite satisfactory and that it continue if the Council of State exists at all Taking away the it of vote from the people to elect to the Council of State cannot be pted by any one, and I think this suggestion about the Council of e should be absolutely done away with and the Council of State ild remain as it is.

About the reserved powers of the Governors That is a debatable tion My friend Mr Shah Nawaz does not agree with that He only es with a limited portion of that I find that the United Provinces incial Committee have recommended that the Governor should have iderable reserve power. That is reported in the Simon Commission's ort and they laid great stress upon this This was an unanimous estion of the United Provinces Provincial Committee and I wholetedly agree that the Governor should have considerable reserve powers he provinces, because India at present is changing from a bureaucratic m into a democracy Formerly we were accustomed to autocracy , we have bureaucracy, and in future we will have democracy Until he communities are accustomed to the democratic ideas, we will re- e, during the transition period, that the Governor should have ex- ve reserve powers which will mean the protection of those interests h cannot be protected in the provinces in any other way, and unless Governor has got considerable power, there will be many communities

which will not get the proper protection which they can get if the Governor enjoys those powers, and I think most of the people in my province whole-heartedly support the idea of giving those powers which have been suggested by the Simon Commission

There is another point about the Army I think no Indian in the House can agree to the suggestion which has been put forward about the Army In 1923 I moved a definite Resolution in the Assembly about the Indianisation of the Indian army and my suggestion seven years ago was that the Indian regiments should be officered by the Indians in future, and the system which I proposed at that time was to fill up all new places of officers as they fell vacant by the appointment of Indian officers and that Indians should be given the King's Commission in such number as might be required by the vacancies that occurred If that principle had been accepted seven years ago, we would have made considerable progress in 1930, but unfortunately, as the Assembly was about to pass my Resolution by a large majority, the announcement came from His Excellency the late Lord Rawlinson that eight units were going to be Indianised at once That took away my votes, but I thought, even at that time, the best solution was not the one which had been suggested, and that it would not be accepted by Indians in future at all That system of separating the eight units was not really the proper solution for the problem which we have to face There ought to have been no separation of any units, but there ought to have been new ranks filled up by Indian officers, who would have worked under European officers and inherited the traditions of those officers, which they have kept in their regiments, and they, after having enjoyed the confidence of the men and the officers, would have been useful officers and would have kept up the same traditions which had been kept up by European officers in Indian regiments But that system was not accepted at that time, and I think it is time now that an effort be made in this direction That would eliminate greatly the feeling existing at present in India While I still think that the retention of British regiments in India is absolutely necessary for keeping the peace in India, unless and until the different communities living in India find their own solution and give up their communal riots and communal disturbances and have got confidence in one another and learn to live peacefully, as they used to do in the past, unless and until that time comes, the retention of British regiments is absolutely necessary But there is no reason whatsoever why the Indian regiments should not be officered by Indians There have been in the past many officers who have taken a glorious part in the conquests on many fields in many countries, and their children are living today who have inherited the same feeling, and such people can be greatly useful as officers even today The military classes in India and the sons of properly educated Indians of the martial classes are second to none and can lead their men in the same efficacious manner as any European can do, and this has been proved on the battlefields of France, Mesopotamia, Egypt, Palestine and other places,—that Indian officers worked in the same way as European officers on those fields and have proved their worth, and I do not see any reason why they should be denied altogether the right of officering their own regiments Every Indian regiment, whether it is infantry, cavalry, or artillery, should be officered by Indians I think in all units, and in the Air Force also there should be Indian officers; there should be a policy adopted that in the shortest period they must be all Indianised , and if an effort is made in that direction

[Mr. Muhammad Yamin Khan.]

and it is shown to India that such an effort is seriously being made, that will bring peace and quiet, and that will show that the British Government are not simply trying to postpone the day on which it could be really said that Indians had got the confidence of the British Government At present there is a feeling in the minds of many Indians, and especially amongst the martial classes, that they are not properly treated, that they do not enjoy the same confidence as is reposed by the British Government in the British officers Once the principle I have advocated is adopted, that will eliminate many controversial questions and India will progress, and those Indian people, who are agitating today, probably will find that they have no cause which can be supported by anyone if this principle is conceded by the British Government I think the policy about the Army should be changed at once and there should be a principle laid down in the constitution that, in the nearest future and shortest period, all Indian regiments should be Indianised absolutely and should be officered by Indians alone

Now I shall come to the last point about the Round Table Conference. We have had people coming up here who have sat for a long time and met at different places under the name of the Patro Committee That was a kind of Round Table Conference of all political parties (Hear, hear) You may say they were not representative, that they were not elected by their people, but of course some people who thought they were the representatives of their community met, and they thought that they might go on and talk and find out a certain solution between themselves Well, these self-styled representatives of India met in different places and came to no conclusion at all Every community was putting up its own demands, and the other community was reluctant to concede the demands of the other community They wanted to see things from their own angle of vision and they did not like to see them from the angle of vision of the other community, and if the Round Table Conference is going to be composed of such people, who cannot come to any conclusion, I think it would be the laughing-stock of everybody, and if Indian leaders of the Patro Committee are being laughed at today in India, then the whole of Europe and the whole world will laugh at the whole of India tomorrow when these representatives at the Conference will come to no conclusion and no solution Then they will not have the audacity to claim to have put forward any constructive proposals, they will be weak and led by the people instead of their leading the people We want such people to go to the Round Table Conference who can lead the people and who will not be led by the sentiments of the masses, who can come to a certain agreement between themselves We want such people to go to the Round Table Conference as will be ready to see the other peoples' point of view, as will be ready to grasp the true situation in India, and as will not be trying simply to get the upperhand for their own community

An Honourable Member How to discover that ?

Mr Muhammad Yamin Khan : That will have to be seen If the leaders on the other hand behave like advocates of their own communities only and talk on behalf of their own communities only, then they will be unable to come to any conclusion whatsoever (Hear, hear) That is the point. As I have said, the problem of India is the problem of the minorities (Hear hear) When people can appreciate the rights and privileges of the minorities, as asked for by them, when they can see that these

rights and privileges are not jeopardised, then and then alone can there be a proper solution of this problem , otherwise you will make yourself a laughing-stock before the whole country, and whatever prestige India has got today will vanish in the eyes of the nations of the world when they come to know that these so-called representatives of India cannot come to any agreement whatsoever Each man will be fighting

Mr. President · I hope the Honourable Member will avoid repetition

Mr Muhammad Yamin Khan Now, Sir, the conclusion I come to, and which I ask the House to consider, is that all persons who seek to represent India at the Round Table Conference should meet in India before proceeding to England, and only if they can come to conclusions here in India, should they seek to proceed to England If they do not come to any conclusion here, then it is useless for them, unless of course they are desirous of making a trip there and of having enjoyment at the public expense (Hear hear) That is the point I know there are many people who would be very anxious to go there The Central Committee had been denounced by many people even here in this House. How then can those very people who denounced the Central Committee on the score that they did not represent them, now seek to go to the Round Table Conference and say that they are the representatives of India at all ?

An Honourable Member They are not going.

Mr. Muhammad Yamin Khan How can anybody who did not take part in the selection of the personnel of the Central Committee have the decency of accepting, even now, an offer of invitation to the Round Table Conference ? But if he even chooses to go there, then I will suggest to him that he should, by his action and not by word, prove that he is a sincere well wisher of India and is not a man who tries by crookedness to get power for his own community at the expense of others

12 Noon.

Mr. President Probably the Honourable Member is now going into very minute details

Mr Muhammad Yamin Khan I bow to the ruling of the Chair that I am now going into the details, but I shall try to avoid them

Now, Sir, my point is that, as I have laid stress on the question of the zemindars, I will suggest to the Government that nothing can be acceptable to the zemindars unless and until, in the Round Table Conference, there is a proportion of the zemindars to the extent to which they wield influence These zemindars are the only responsible people who can come to any agreement, and among them there is the least communal feeling at the present moment They can certainly come to an agreement very easily, as compared to the other classes. Sir, seven-eighths of the population of India depend entirely on agriculture and therefore, in the Round Table Conference, the proportion of the people who will represent agricultural interests must also be the same Of course, Government should see that such people are the natural leaders of the people If this is not done, then there is a danger that the Round Table Conference may be denounced as an unrepresentative body and therefore their decision and agreement cannot be binding upon that community With these words, I support the cut which has been moved by my friend Mr Shah Nawaz

Raja Ghazanfar Ali Khan (North Punjab Muhammadan) : Sir, while I fully appreciate and acknowledge the arguments advanced by the Leader of my Party and some other leading Members on this side that it was not appropriate to raise this discussion on the Simon Commission's Report in connection with the Demand for Grant for the Round Table Conference, looking at it from another point of view, I think my friend Mr Shah Nawaz has done some service by providing this opportunity. The only conclusion we can draw from the result of the voting on this amendment, which I am sure will be unanimously carried, is that the amount of disappointment and resentment caused by the publication of the Simon Commission's Report is so wide that a mere apprehension in the minds of certain Members that this document may possibly form part of the material to be placed before the Round Table Conference, they have decided to repudiate it unanimously I say this motion will be carried unanimously because the wording of the amendment is so modest that I do not think there is any Member in this House who would like to commit himself to the converse of what is contained in the amendment Even the Treasury Benches, I am sure, would not oppose this amendment and thus indirectly commit themselves to the principle that they regard the recommendations contained in the Simon Commission's Report as adequate and satisfactory, and thus practically contradict what is contained in His Excellency's speech

Now, Sir, I will try to act according to the advice given by you, namely, that we should confine our remarks to the principles of the Simon Commission's Report Sir, the first thing which, with your permission, I want to point out is that every section of the House has been working for one object with regard to the future constitution, and it is that the constitution should be based on such lines that it should automatically lead them to full responsible government within a reasonable period, subject to certain conditions, and that it should not be necessary, at the end of a short time, to appoint other Commissions and hold more inquiries and get more statutes passed by Parliament Now, in this connection, if we turn to page 7 of the Simon Commission's Report, we find that, while criticising the 10 years' limit, they themselves say that the constitution which they are giving us is of such a nature that the object now to be aimed at is a reformed constitution which will not necessarily require revision at stipulated intervals but which will provide opportunities for natural development Now, I have very carefully gone through the various proposals contained in that Report and I have not been able to understand by what means India, through the constitution recommended by the Simon Commission, can achieve that end within any humanly foreseeable period It is very difficult to reconcile this statement of the Simon Commission with another paragraph which occurs in the same Report on the next page, wherein they say

> "We do not think that within the compass of a single statute, provision can be made for a continuous evolution of the main government of India by the method of internal adjustment and growth"

So, they themselves acknowledge that they have failed to give a constitution which would automatically lead us to the achievement of responsible government within a definite period

Now, Sir, my second objection to the Report is with regard to the provincial autonomy which they claim to have bestowed upon the various provinces Now, what does that autonomy come to if we examine it rather closely ? If we consider the innumerable restrictions placed on the powers of the Legislature and the overriding powers vested in the Governor, we come to the conclusion that this provincial autonomy does not lead us anywhere Our experience shows that, in the modern democratic constitutions, where the elected Presidents have been vested with enlarged powers, it has been found that this procedure, instead of stabilizing the democratic form of government, has substituted a dictatorship What would be the result if such enlarged and enhanced powers are vested in a Governor ? Secondly, let us look at the constitution of the Cabinet The Governor may call upon certain officials to become members of the Cabinet He may call upon certain other Members from whatever group he likes to come and assume the responsibility of Ministers Now, it is an admitted fact that, if the Government or the Cabinet is so constituted that the coalition consists of various hostile groups, then it is impossible to expect that they will be able to adopt any creative policy As long as such conditions remain in any constitution, it will be found absolutely unworkable Now, again, while they have agreed to transfer the portfolio of Law and Order to the popular control, while discussing the military policy, they say that the troops will be put under the charge of the Imperial Government and the Member in charge of Law and Order, if he wants the assistance of the military to quell any internal disturbances, shall have no right to call for the troops but shall have to apply to the Governor The Governor will then hold an inquiry, and if he is satisfied that it is necessary to send military aid, he may recommend to the Imperial Government to lend the troops If that is the limit of power which is intended to be given to the Minister for Law and Order, who will be responsible to the legislature, it will be impossible to expect that he will be able to run the Government efficiently

Now, Sir, there is only one other point about the Simon Commission's Report and I will finish with that, and that is with regard to the Central Government The Commissioners themselves say that they do not want to give any enhanced powers to the Central Government The chief argument which they have given for taking away the military entirely from the control of the Governor General, is based on the fact that they do not want to introduce diarchy in the Central Government, because a thing which they have found to be unsuitable for the Provinces they cannot now very well recommend for the Central Legislature I could have seen the force of this argument if all the other Departments under the Central Government were transferred to the control of Ministers responsible to the Legislature, but if there is not a single Department or portfolio which is going to be transferred to any Minister responsible to the Legislature, then how does this argument come in ? Therefore, we are unable to find what exactly is the policy behind this suggestion of taking away the Army from the control of the Governor General in Council.

Then, Sir, my Honourable friend, Mr Yamin Khan, in the first volume of his speech (Laughter) yesterday, said that there were certain proposals contained in the Simon Commission's Report which may be acceptable to few of us on this side As typical instances, he mentioned the federal system and the separate electorates As far as the federal

[Raja Ghazanfar Ali Khan.]

system of Government is concerned, if we see the Report of the Commission, we find that one of the main reasons why they have recommended a federal system is contained in page 15 of the second volume of the Report, wherein they say, " There is the wish of certain minority communities to take full advantage of their local majorities where these exist ".

An Honourable Member : In which volume ?

Raja Ghazanfar Ali Khan : This is not in the first volume, which contains only maps and figures It is in the second volume Now, Sir, on the other hand we find that there is not a single province in India which, according to the recommendation of the Simon Commission, will give a majority to a minority community Our chief object in asking for a federal form of government was really this, that the minority communities, at least in those few provinces where they are in a majority, should have the privilege of commanding a majority, while the Simon Commission's Report does not give a majority to any minority community in any province Is this the federal system of government which my Honourable friend desired ? Or is this the form of government which any of us desired ?

Then, Sir, turning to the question of separate electorates, everybody will agree that a separate electorate is after all a means to an end It is not an end in itself (Hear, hear) Are we prepared to accept separate electorates on the condition that we reduce ourselves to a minority in the provinces, where we are in a majority ? And that is what the Simon Commission gives us In the Punjab, in Bengal, where we are in a majority, according to the recommendations of the Simon Commission's Report, we are reduced to a minority Now, what consolation can separate electorates give us if these recommendations are given effect to and we find ourselves helpless in every province The only province where, in spite of the Simon Commission's Report, or in spite of anybody, we could be in a majority is the North West Frontier Province, and what form of government have they recommended for the Frontier Province ? Is that the form of government which was desired by my Honourable friends, or is that the form of government which anybody belonging to any political thought in India desired ? If not, then, what is there in the Simon Commission's Report which can be acceptable to any Member on this side of the House ?

Now, Sir, leaving the question of the Simon Commission's Report at that, I would just make a few observations with regard to the Round Table Conference Sir, it is impossible to discuss this question without taking notice of what has happened in India during the last three months It is really very regrettable and unfortunate that some of our countrymen, the Congress Party, should have decided not to participate in the deliberations of this Conference Although I am of opinion that, even if the Congress is left out, the other delegates who will be going to the Round Table Conference do represent a fairly large section of public opinion, particularly that section who have got large stakes and interests in the country, although this class may not be as vocal as the other parties Nevertheless, we cannot deny that, without the Congress participating in the Round Table Conference, the Conference would not be as much representative as it would be otherwise. Therefore naturally it should be the desire of every Indian to pray and strive...

Mr C. S. Ranga Iyer (Rohilkund and Kumaon Divisions Non-Muhammadan Rural) Has the Congress not a stake in the country ?

Raja Ghazanfar Ali Khan : This was not the question I was discussing What I was saying was that naturally any Conference which also contained the representatives of the Congress would be more representative than it would be otherwise (Hear, hear.) Therefore naturally it should be the desire of every one in this House to strive in his own humble way to persuade our friends to give up the course which they have adopted and to take part in this Conference

Now, Sir, I think there can be no two opinions that the object is common, the object of the Round Table Conference and the object of the Congress activities are the same Both are intending to get a scheme for India which would make India an equal partner in the British Commonwealth If that is the object before us, is it not possible still to co-operate and to give up the method which they have so far adopted, when we all agree that that method is not going to lead us to any constructive results ?

An Honourable Member : Question

Raja Ghazanfar Ali Khan : The Honourable Member may question it, but I am strongly of opinion that those of us, who are aspiring to take charge of this machinery of Government, which we now find in the hands of others, would naturally desire that we should take charge of this machinery while it is in running order and while it is in working condition, and not when it has been absolutely ruined and wrecked by our own hands I can assure you that, once the passions and the feelings of the masses have been roused, and the respect which they entertain for law is gone, whoever may be the party in power, they will find it very difficult to restore that feeling (Hear, hear) Therefore, Sir, all who have got the betterment and welfare of the country at heart will not shirk from taking courage and putting their case before the Round Table Conference in as reasonable a way as they can possibly do On the other hand, I am absolutely certain that a sympathetic friend of India like His Excellency Lord Irwin would not hesitate to withdraw all the repressive measures which, I am sure, he had promulgated against his will, because as long as Government is to remain in the country, they have got to carry on, whatever the legal means they may have to adopt I am also certain that, as far as the question of releasing the prisoners is concerned, the Government would only be too glad to create a feeling of friendship in the country which is so essential for the successful termination of the Round Table Conference.

Then, Sir, another question which is of very grave importance is the united front which Indians must offer in the Round Table Conference if they really desire to achieve some results, and the only hope of achieving that end lies with the leaders who will go there, if only they would show courage to speak out their honest opinions without caring what one or the other party might say And after they have agreed to some conclusions, they should have the courage to fight for the adoption of those by their parties.

The two obstacles upon which too much emphasis has been laid by the Simon Commission, as well as by other persons, who are not very anxious to give India her rights, are the minority question and the question of the

[Raja Ghazanfar Ali Khan]

Indian States About the minorities I can assure you, Sir, and I can assure my friends that I am voicing the sentiments of all my friends, when I say that the Muhammadans are more anxious than any other community to get their full share in the responsible government of India and to see that Dominion Status is given with necessary safeguards at an early date Though they might be in a minority in certain provinces they would not stand in the way of the other communities enjoying their majority provided the other communities are broad-minded enough to see that when they may happen to be in a majority they should not stand in their way As regards Indian States, the leading Princes have already expressed their views through the Princes Chamber that they are agreeable to British India getting Dominion Status I am sure, now that the time has come to give practical proof of their sympathy with the welfare of their country, they will co-operate actively with the British Indian leaders and will certainly not hesitate to agree to a settlement which will lead to the betterment of the Motherland and will not be influenced by the small considerations of individuals

Mr R. S Sarma (Bengal Nominated Non-Official) Mr President, I strongly oppose the motion for the cut of my Honourable friend Mr Shah Nawaz, because to my mind there is no sense in that motion I know, Sir, that the remarks I make will not be acceptable to a section of the House I think that already much time has been wasted on this debate, and I hope no more time will be wasted by unnecessary interruptions I must confess—and I hope I will not be misunderstood by those who have already taken part in the debate—that during the last 12 months that I have been a Member of this House I have never listened to a more purposeless, meaningless, futile, and therefore in its total effect most mischievous, debate than what I have listened to in the last 24 hours The debate is bound to create a most disastrous effect outside the country I cannot persuade myself to appreciate what this particular cut has got to do with the Round Table Conference I could understand a cut of Rs 100 if the personnel of the Round Table Conference had been announced and considered unsatisfactory by this House

Mr Amar Nath Dutt (Burdwan Division Non-Muhammadan Rural) Are you sure of your nomination ?

Mr. R. S. Sarma : No, Sir I am not going there You may take it from me that I am a very humble individual and I do not aspire to that honour

If the personnel of the Round Table Conference had been announced and considered unsatisfactory by this House, there might have been some justification for a cut of this nature ; or there might have been a motion that so much money should not be spent upon this delegation, or that the democratic representatives, who are going from a poor country like India to settle the future constitution of this country, should not have the luxury of a P and O First Class, but should go as deck passengers ! That attitude I could really appreciate, but I certainly cannot understand what the Simon Report has got to do with the Round Table Conference at all We do not want to give any importance to the Simon Report, but as Miss Mayo's book was advertised, so it is the people who do not want the Simon

Report who have been giving importance to that Report. In this connection, I must say that I was amazed yesterday that so shrewd and eminent an advocate as Mr Jinnah should have drawn conclusions from his own arguments which did not lead to those conclusions He was developing a line of argument yesterday to which I listened with great respect, and I thought that the conclusion of his arguments would be that, for the particular reasons that he advanced, he was going to oppose the cut and support the original motion He himself said that he did not care at all for the Simon Report He said that he would discuss the implications of that Report at the proper time and analyse it at the Round Table Conference He said that the Viceroy himself had declared that the Simon Report would probably be one of the Reports that would be considered at the Round Table Conference If the Simon Report is one of the Reports that will be before the Round Table Conference, I think it is possible and probable that the Nehru Report itself will be one of the Reports, and Sir Muhammad Shafi's memorandum will be one of the Reports that will be considered at the Round Table Conference , and with equal justification and equal relevancy, any Member can bring a cut of Rs 100 for the purpose of discussing the recommendations of the Nehru Report I think it will be ridiculous at this stage to carry on a discussion on either the Shafi memorandum or the Nehru Report

Mr M A Jinnah (Bombay City Muhammadan Urban) Sir, may I explain my position to the Honourable Member ? I think he has misunderstood me I said that the motion for this cut was entirely out of order in my humble opinion , but since it was before the House I must, if I was forced to vote, vote in favour of this cut because I was already of opinion that the Simon Report was not acceptable to India

Mr. R S Sarma : The statement of Mr Jinnah has added to my amazement, because of the very fact that the Simon Report has nothing whatever to do with the Round Table Conference If, as he himself suggested yesterday in the course of his speech, there had been a clear-cut Resolution to discuss the recommendations of the Simon Report, I could understand the attitude he has taken But to my mind it has nothing to do at all with the Conference, and as such I expected from his line of argument that he would draw the conclusion that we must support the original motion and not the cut

Sir, I myself said that more time should not be wasted on this debate, and therefore I will take only a minute more to refer to a statement made by my new nominated colleague Mr Sen In the very admirable maiden effort that he made yesterday, he showed that he has inherited from his great leader and chief, whom he has replaced in this House, Mr K C Roy, the qualities of prudence, wisdom, tact and worldly-mindedness in such a measure as to keep the Treasury Benches as well as the Congressmen in good humour ! After paying a well merited tribute to the Viceroy and the Civil Service, he made a passionate appeal to the Treasury Benches yesterday to pursue a policy of conciliation

Mr. C. S Ranga Iyer : Why not ?

Mr R S. Sarma : Is there any need to offer any advice to the Government of Lord Irwin after the clear statement and announcement of policy that His Excellency made in this House day before yesterday ? Behind the statement of His Excellency the Viceroy there is a boundless love of India ; there is a grim determination to advance India along the line of

[Mr R S Sarma.]

self-government , there is a passionate plea for conciliation and goodwill, and I think it is unnecessary to offer this advice On the other hand I honestly feel that, after the most conciliatory policy enunciated by His Excellency the Viceroy the day before yesterday, it is the clear duty of Members of this House, who call themselves public men, to go into the country and tell our countrymen not to pursue the mad folly of civil disobedience, and as my Honourable friend, Sir C P. Ramaswami Ayyar said yesterday, to go to the London Conference and try to get what they want by argument, which they are now trying to get by other means

In conclusion, Sir, I would say this to those Benches My Honourable friend, Mr Jinnah, said to these Benches yesterday as a warning, " Play fair " I will say the same to the leaders opposite, " Play the game and leave the rest in the hands of Lord Irwin, who by the common consent of friends and foes alike is considered today as God's greatest gift to this country at this critical juncture "

Mr C S Ranga Iyer : Sir, the Honourable the Nominated Member has spoken

Mr R S. Sarma : On a point of order, Sir The Honourable Member is repeating a joke that has been repeated half a dozen times and I want to know whether this repetition is in order

Mr President : Repetition of jokes is not out of order. (Laughter)

Mr C. S Ranga Iyer : Truth, says Professor Max Muller, must be repeated, though this is the first time that I use the expression with regard to the Honourable Member for the Imperial Secretariat (Laughter) I thought he was an Honourable Member for somewhere else

It is very impertinent, Sir, for an Honourable Member who has no constituency to face to come and tell us what we should do and what we should not do It is very impertinent, Sir, for the gentleman to characterise this debate as " mischievous " It is, in the first place, an impertinent attack on those who are responsible for initiating this debate, that is, the gentlemen to whom he owes his nomination to this House (Laughter) We did not ask for this debate If it is " mischievous ", the mischief lies entirely on the shoulders of those who brought him into this House , and if he presumes that our contribution of a little wisdom to this debate is " mischievous ", I think he is talking through his hat ; he has no business to say that about this debate, which is one of the most important debates held in this year, including the discussions of the Delhi Session—it is an important debate, a Report of which I hope will be duly submitted by the Government of Lord Irwin to His Majesty's Government , it is a debate by way of which the Government have come to us and asked us to vote for the expenses of the representatives of this country going to the Round Table Conference , and here is a gentleman who advises the Government that His Majesty's nominees, representing the Indian nation, should travel by I do not know what class he has in mind—that perhaps they should not have the luxury of a P. & O first class. (*A voice* : " He said they might go as deck passengers ") Sir, I know of one man in India, about whom even Raja Ghazanfar Ali Khan will not dispute as having a stake in the country—I know of one man who never indulged in the luxury of a P & O first class, and that gentleman today is one of His Majesty's guests in the Yerrawada prison—the greatest man

in the world today—but who has travelled as a deck passenger, and when an invitation is issued to him, as it must be in the fulness of time if the Indian dispute is to be ended, then I believe he may reject the Government's offer of a P & O first class But, Sir, it is very remarkable that a gentleman with the views and practices to which the Honourable Member, let us presume, is addicted, namely, luxurious habits—and I do not consider them to be very bad habits.

Mr R S. Sharma: On a point of personal explanation, Sir I never suggested that such facilities should not be given I merely said that the cut could be discussed on the ground that so much money cannot be spent. I cannot understand the Honourable Member's reference.

Mr. C S Ranga Iyer: I am not concerned with what he can understand or what he cannot understand, but I say that the Government are acting according to their own wisdom in the matter The leaders of the Irish movement were brought to England in His Majesty's saloons—Michael Collins and Arthur Griffith I am not in the confidence of the Government, but I believe that they propose to extend the luxury of a first class P & O though Honourable Members like my Honourable friend, Sir C P Ramaswami Ayyar who, by the way, has very little time to spare, might like to travel by air Sir, we are not today discussing the point about luxuries and about what are luxuries and what are not luxuries

The Honourable Member then referred to the Honourable the Leader of the Independent Party I am sure he did not listen to the speech of the Honourable Mr Jinnah We on this side of the House are perfectly in agreement with him What he said was—and it is necessary to repeat what he said in order to show what the position exactly is—what he said was

Mr President: Order, order Today being *Juma,* I would like to adjourn the House after ten minutes, and so I would request the Honourable Member to conclude his speech within ten minutes

Mr C. S Ranga Iyer: I shall try my best, Sir, to conclude in ten minutes, but the act of speaking sets the mind thinking (Laughter) and as I want to dispose of the arguments already mentioned before developing my own point of view, I am afraid I may take another additional twenty-five minutes, but, Sir, if I had this intimation before, I might have ignored the previous Member altogether (Laughter) Sir, it is a very essential point that the Honourable the Leader of the Independent Party has placed before this House We did not want a debate on the Simon Report Perhaps some of us had not read it, though we might not think it "very criminal"—as an acting Congress President, since incarcerated, put it—to read the Simon Report We might like to read it with a view to combat the tactics of our enemies, and undoubtedly Sir John Simon is one of them, for he has contributed his best to destroy the effect of the Irwin Proclamation, he has not only omitted it from the papers published with his Report, but avoided the use of the expression Dominion *Status* in that Report I emphasise the word "Status", for I was present at the debate, even as Sir John Simon was present, in the House of Lords Both of us were witnesses of that debate, although both of us were not Members of that House. (Laughter) He was in his place as a Member of the House of Commons and I was in my place as a member of the Empire Parliamentary Association, and, Sir, the word that was emphasised in the debate by Lord Birkenhead and other

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speakers, including an *ex*-Lord Chief Justice and *ex*-Viceroy, who at least ought to have known better, the word that was emphasised was "status", and if you read the Report of the House of Lords on that debate, you will find the word "status" italicised in that Report As Honourable Members are aware these italics are put not so much by the Reporter, as by the gentleman who revises the report There is a great deal of difference between Dominion *Status* and Dominion *form* of Government Lawyers know what fundamental difference there is between those two words However, Sir, Sir John Simon has avoided the former expression and what India demands is Dominion *Status*, and if Dominion *Status* is not granted you know what India—or that part of India which is absurdly supposed not to have a stake in the country—is going to do, and it may not be very long before the other part prepares itself to march alongside that part of India which is fighting for India's rights (Hear, hear) Today we are taking our stand on Dominion *Status*, the Viceroy has promised it, His Majesty's Government have promised it, Lord Birkenhead an *ex*-Secretary of State for India, one of His Majesty's Ministers, has repudiated it in language the severity of which is worthy of a better cause Lord Reading has repudiated it in a manner which is unworthy of the position he occupied in this country, and, Sir, I have only to add that the Simon Report, instead of following the evidence that it had in this country, has trampled under foot the Viceregal proclamation (*Cries of* "Shame"), and surely if the Honourable the Leader of the Independent Party wanted that we should not be asked to give a vote on a side issue, it will not be characterised by a sensible Member, even though nominated, as "mischievous"

Sir, he was trying to teach lessons to another member of his own community, the community of nominated I honour the maiden speech of Mr Sen It is usual in Parliament for maiden speeches to be treated with respect, but perhaps the Honourable the Nominated Member from the neighbourhood of Calcutta—(*An Honourable Member* "Not Calcutta") (*Another Honourable Member* "Bihar and Orissa") (*A third Honourable Member* "Don't slander Bihar and Orissa please")—there seems to be a controversy about the origin (Laughter) of the Honourable the Nominated Member's constituency,—but be that as it may, the Honourable the Nominated Member, thinking in terms of his tribe unknown to other Parliaments, thought that the other gentleman had no business to tell even Lord Irwin that he should adopt "a policy of conciliation" Lord Irwin's policy, Sir, at present is not wholly a policy of conciliation. I do not blame Lord Irwin for it The blame must be taken by us as much as by Government, but to say that you must adopt a policy of conciliation when we are faced with the situation that we find in this country, and for a Nominated Member to say that, shows that all Nominated Members are not tarred with the same brush Sir, I take off my hat to Mr. Sen for having expressed sentiments which should have come from this side of the House.

Then came the climax of impertinence on the part of the Honourable the Nominated Member when he advised us "to play the game" What does he understand by that expression? Does he mean to say that we are not playing the game? I say, even those who are not in this House are playing the game, I say the Congress people are playing the game;

but Lord Birkenhead and a majority of the Members of the House of Commons I do not believe have played the game with us I do not think they have played the game with Lord Irwin (Hear, hear) I was witness to that debate, I do not think they have played the game with "the man on the spot", the great Viceroy, who thought, and rightly thought, that he had a great mission, though the pinchbeck Empire builders, indulging in the luxury of irresponsibility that freedom from office gives them, spoke against His Excellency like irresponsible journalists They uttered the language of the *Daily Mail*, they became the megaphones of misguided Imperialism They have contributed everything to make the movement, which, all of us deeply regret, has been prematurely set on foot, but a movement of that kind once set on foot cannot stop unless a policy of conciliation is resorted to

And this leads me, Sir, to the Round Table Conference conclusions, for the Round Table Conference will have to conclude its meeting, whosoever goes and whosoever does not go will have to meet each other and face their own country Today Lord Irwin's policy and the policy of His Majesty's Government have transferred the responsibility of settling the Indian problem on to the shoulders of Great Britain If Britain is prepared to play the game, we shall of course shake hands with Britain If our friends come from the Round Table Conference cheated and disillusioned, then they will know how to deal with Britain Other parts of the Dominions dealt with Britain likewise General Botha, once a powerful enemy of England, became its friend There is no greater admirer of Imperialism today than General Smuts, who was once its inveterate opponent A policy of conciliation, Sir, was adopted in regard to South Africa Even so, a policy of conciliation was adopted in regard to Ireland There was a form of violence, a form of force, not the same force, not of the same noble form that you find in this country, resorted to there, but in spite of that, what happened? A policy of conciliation was adopted Human nature is everywhere the same, if it is not always the same in respect of Nominated Members of a certain variety (Laughter)

Mr. President. Order, order The House stands adjourned till Half Past Two

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

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The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr President in the Chair

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Mr C S Ranga Iyer: Now, Sir, during the course of this debate let me address myself to the main arguments of the case But before doing so, I speak, I believe, on behalf of the entire non-official side of this House, be they European or Indian, when I say that we were delighted,—it was with feelings of genuine pleasure—that we read this morning the King's message to India Sir, the King's message has a vital bearing on the Round Table Conference His Majesty's message, I suppose, is meant as a healing balm to the bleeding wounds that have been inflicted, that are being inflicted on this country, and His Majesty, we are pleased to find, is not embarrassed by the existence of the minorities in this country on which the Simon Commission have made such an excessive statement

Sir, the King says, "The emblems of the religions, provinces and States of India" testify to "the unity of India itself" Sir, I believe

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I can say, without fear of much contradiction, that India is still loyal to the King, and the symbol and proof of that loyalty was the statement o Mahatma Gandhi himself to a representative of a Government newspape in England, who had the unique privilege of interviewing him in prisor in spite of the jail gates and the jail regulations In that statement-- look upon it almost as an apology for the Independence movement whei he interpreted Independence in terms of Dominion Status and when h said that, Dominion Status not having the same meaning in this countr that it has in England, he had been forced to launch the Independenc movement,—the Mahatma summed up the demand of the people in hi own inimitable words, namely, that India wanted " the substance o Independence "

Sir, on the eve of his arrest, the erstwhile Leader of the Opposition in this House, with whom I had the privilege to work for long years, with whom also it was my privilege or misfortune, call it what you like, to measure swords—on the eve of his unfortunate, and, in my opinion, im prudent imprisonment—it is not only my opinion, this opinion is shared by such a shrewd judge of men and critic of events, one of the grea journalists of England, namely, Mr Spender, and I believe, Sir, thi opinion is shared also by other representative spokesmen of Great Britain leave alone the Left Wing of the Labour Party—on the eve of his arrest the erstwhile Leader of the Opposition stated that what he wanted wa a settlement, and that settlement made provision for a transitional stage between the transfer of power from that side of the House to this side of the House

That, Sir, is the entire case of India for the Round Table Conference and for Great Britain We want a transfer of power from Great Britain from the British electorate, including the flappers, who do not understand so much about politics as my own village constituents (Laughter)—Sir, we want a transfer of power, of responsibility from the supremely incompetent apathetic and ignorant British electorate They are our masters Our masters are incompetent, and therefore, we want to transfer responsibility from our incompetent masters abroad to competent masters at home namely, the Indian people (Hear, hear) That was the issue before the Irish people Redmond, the leader of the Irish constitutionalist party, in his American speeches characterised Dominion Status as Independence I do not want to quote from his speeches,—for want of time—but any one who disputes that statement has only to say so and I shall read from the book by a semi-official and Conservative authority, " The Revolution in Ireland, 1906-1923 ", the author being W Alison Phillips, who had the unique opportunity of referring to and consulting not only officials o Dublin Castle, but also official documents That, Sir, was the position in that country, and I am afraid the position in this country is drifting towards the same Call it non-violent non-co-operation of India which is certainly better, or the violent revolution of Ireland—the spirit behind both of them is the same So, I am afraid, if the words uttered by His Excellency the Viceroy in this House do not go further in the way of conciliation, just as similar words went further in the way of conciliation in the case of Ireland—I am afraid we will not be acting in the way in which far-sighted statesmanship would have us act However, I do not want to anticipate events Those who go to the Round Table Conference—and there will be many who would like to go—and those who do not go to the Round Table Conference—and there will be a larger number out in the

country who may not like to go—both of them are face to face to-day with the settlement of the question And, Sir, the Viceroy, in his words addressed to this House, said

" In my judgment, and in that of my Government, it (the Congress Campaign) is a deliberate attempt to coerce established authority by mass action, and for this reason, as also because of its natural and inevitable developments, it must be regarded as unconstitutional and dangerously subversive "

I do not want to take exception to these remarks, coming as they do from the highest authority in the land responsible for carrying on the King's Government Any Indian in that responsible position, I dare say, face to face with a similar movement, would have uttered the same words Similar words were uttered by Mr Lloyd George when he was face to face with a similar situation in Ireland The Prime Minister told the House of Commons that " the Government intended to take more vigorous measures to suppress lawlessness in Ireland, and that for this purpose more troops would have to be sent " On the following day, the Chief Secretary, Sir Hamar Greenwood, declared that the Government would go on " until the last revolver was picked out of the hand of the last assassin in Ireland "

The revolver question does not in India arise at present We are dealing with mass action, and mass action, according to His Excellency, even if it is intended by its promoters to be non-violent, is nothing but the application of " force under another form " Application of force under another form ! The Indian form is better than the application of force under the Irish form But when force was applied under the Irish form, when Mr Lloyd George, the then Prime Minister, uttered words of warning Ireland forged ahead, but Redmond and the Irish constitutionalists had been almost eliminated That stage does not appear to have arisen so far in this country But what followed in Ireland ! Soon after the declaration of Mr Lloyd George in the House of Commons, in the same year, what happened ? Auspicious date was chosen by Mr Lloyd George to address a letter to De Valera, as " the chosen leader of the great majority of Southern Ireland ", inviting him to attend a conference in London " to explore to the utmost the possibility of a settlement " And then came a settlement which was disapproved by De Valera and approved by some of his comrades I need not go into it at present, but let me hope that out of the Round Table Conference will emerge a situation which will bring peace to this country and will lead to something like a settlement on the Irish lines, something in the shape of a treaty between India and England If you do not like the word " treaty ", call it by any other name I prefer the word treaty There must be an arrangement made with this great country, for which the King has expressed great sympathy and great admiration, which we all appreciate We want a treaty on the same lines, so that it will be possible to say that England is playing the game " The terms of this agreement ", said De Valera, in a statement addressed to the Gaelic people " are in violent conflict with the wishes of the majority of this nation I cannot recommend the acceptance of this Treaty either to Dail Eireann or to the country " But, Sir, there was Arthur Griffith, who issued a statement which defined the attitude of himself and his promoters in clear and statesman like langauge He said, " I have signed the Treaty of Peace between Ireland and Great Britain I believe that the Treaty will lay the foundation of peace and friendship between

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the two nations What I have signed I shall stand by, in the belief that the end of the conflict of centuries is at hand ''

Judging from the present situation, the darkest clouds hang on the horizon Sir, the Viceroy says that the Government must either resist or abdicate The Government not having an intention to abdicate has got to regulate resistance Here I should like to quote the words uttered by an English lady, however sad they may be She was a witness of certain acts of the Agents of this Government and those who were responsible for the maintenance of law I warn you that, in an atmosphere like this, it will be extremely difficult for the Round Table Conference to come to a settlement and even if it comes to a settlement, it will be extremely difficult for those who have come to a settlement to face the country, even as it was difficult for Arthur Griffith to face Ireland I do not want here the repetition of that chapter of Irish misunderstandings and fratricidal strife For goodness' sake, when the Round Table Conference is going on, do not go on doing the things that an English lady the daughter of an Admiral, says are being done She was a witness of these incidents Writing in *Young India* Miss Slade tells the distressing tale of the excesses alleged against the police '' No head so cool, no heart so callous but must be stirred to indignation and pity by the tale if only a part of it was true '' says the *Modern Review* She sums up her charge as follows '' Lathi blows on head, chest, stomach and joints '' and then follow words which I would rather not read These are delicate words They come from a great-hearted English lady, the daughter of an English Admiral

The Honourable Mr H G Haig (Home Member) On a point of order May I draw the attention of the Honourable Member to the fact that the Bombay Government, in an official communiqué, had denied these allegations ?

Mr. K C. Neogy : That is not a point of order

Mr. C. S. Ranga Iyer I admit it is no point of order, but it is a point of pointed information and for my purpose I am satisfied I am saved from the agony of reading a thing that I felt so very delicate to read I am glad that the Government have issued a communiqué on the subject, and I leave it for the time being there Whether the communiqué speaks the truth, or whether Miss Slade speaks the truth, I do hope, when this movement is going on gathering strength, that the Government will bear in mind that a day of reckoning will come sooner or later—I hope it will be sooner than many faint-hearted people imagine—and bearing that in mind see that their method of resistance does not embitter feelings a great deal too much There is a great and growing party in England which to-day constitutes His Majesty's Government My association and my conversations with His Majesty's Ministers and also with the Socialist Members of the House of Commons convince me that the day is not distant when Socialism will make Indian Home Rule its battle cry even as Gladstonian Liberalism took up the question of Irish Home Rule Remember that this is a movement for the achievement of freedom Every country has fought like this for the achievement of its freedom If by a fiat of the fates the Great War had ended otherwise

and if the Kaiser's flag were flying over Buckingham Palace, I am sure every Englishman would have resisted that foreign rule. Do not imagine that there is no meaning behind this resistance Do not imagine that there is no will behind this resistance. They are resisting for the freedom of their country If you destroy constitutionalism and instal revolution, the responsibility for that shall rest entirely upon the Government in this country and in England When the representatives of the people, who go to the Round Table Conference, fail to deliver the goods, when they do not rise equal to the occasion, then will begin a sad day I hope they will mean business. I hope, in the interests of a better atmosphere and better understanding, there will be a meeting of two equal nations, as in the case of Ireland

Mr. President : I would remind the Honourable Member of his promise to finish in ten minutes

Mr C. S Ranga Iyer . All promises are not always meant to be kept (Laughter)

Mr President : I must ask Honourable Members to limit their speeches to ten minutes I have got a very large number of speakers on my list, and I am anxious that they should get an opportunity to speak I have given sufficient latitude to Honourable Members till now and I hope that they will be as brief as possible

Mr. C S Ranga Iyer : I was about to finish when you interrupted me, Sir I have the right to speak as long as the House is willing to listen though I am in no such mood to-day, because there is no rule to regulate this debate However, I was only going to say this Let it not be said, as it was said in the case of Ireland, that Government carried on their fight too long I will quote here the author of this book on the revolution in Ireland and finish my remarks His words are pregnant with meaning With those words I conclude my speech He said

" If the Government had accepted the verdict of the Irish elections of 1918 and made it the excuse for taking the line which it adopted in 1921, it would have spared Ireland much of the bloodshed and misery, and itself the ignominy, of the years that followed *The Times* and other organs of public opinion in England were urging this course , and indeed it is difficult to see what objections there were to it that were not equally valid three years later For the Great War was over , and it was therefore as safe in 1918 as in 1921 to throw over the people in Southern Ireland who had been foolish enough to stand by England in her time of trouble "

I do hope, Sir, the Government will have wisdom and will not put its head into the sand like the ostrich

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) Sir, when I rise to speak on this motion, I wish to recall the words of His Excellency the Viceroy, uttered only the other day, when he said that he had summoned a session of the Indian Legislature because it seemed to be clearly right that Members of both Houses should have the opportunity of discussing matters of public interest on which also His Excellency wished to have the privilege of addressing them, before the Legislature was dissolved. In a later passage His Excellency said that his Government was at the present moment engaged in considering the future constitution of India and it is for this dual purpose of assisting the Government of India in their deliberations as to the future constitution for India and for giving our representatives to the Round Table Conference an expression of our views as to what

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they should press for and what they should resist that this motion has I understand been moved and is being debated in this House Whatever may be said, Sir, as to the utility or non-utility of the Simon Report, the fact remains that it is there, and in the memorable statement, dated 31st October, 1929, His Excellency the Viceroy made it clear that, after the publication of the Simon Report and the Report of the Central Committee, the Round Table Conference would be convened, and both the Secretary of State for India and His Excellency the Viceroy have made it clear what indeed was clear enough from their previous statements, that whatever may be the view of those of my friends who boycotted the Simon Commission, whatever may be their prejudices and prepossessions, the fact remains that it is a State document, and those representatives who sit round the round table in London will be called upon by the British representatives there to explain why they wished that scheme to be abandoned in favour of any other scheme, and when they give their answer, the question will be, "Have you a mandate from your Legislature, have you the authority of the Legislature of which you have been a Member? Do you pledge the word of the Legislative Assembly against the recommendations made in these two State documents?" And if our representatives who go there say that we have discussed in public these two Reports and we have come here with pronounced opinions supported by the reasons given by our fellow-Members in the Legislative Assembly, the position, I submit would be very much stronger than if they were to say, "We closed our eyes to the Simon Commission and consequently we have closed our eyes to the Simon Report" Sir, whatever may be said about the sentimental value of these objections, I submit that hard practical men, those who sit to fashion and frame constitutions for a great empire like that of India, cannot ignore suggestions and recommendations—whether they come from a tainted or untainted quarter it does not matter—and I submit, therefore, and I have always felt, that whatever may be our prejudices against the constitution of the Royal Commission, whatever may be our individual views, these recommendations are likely to be placed before the Indian Members of the Round Table Conference, and I therefore desire to speak, if I may be permitted to do so, on the various recommendations made as to the future constitution of this country

Sir, whatever may be said by those who have boycotted the Royal Commission, that charge cannot be levelled against me Honourable Members here are aware that I was unfortunately the only elected Member from a general constituency in this House who took my stand on the view that, whatever may be the shortcomings of the Royal Commission, we must co-operate with it and give it such assistance as lies in our power The result of that is embodied and enshrined in the Report with which Members of this House are already familiar. I contrast the recommendations of that Committee with the recommendations of the Statutory Commission

Mr. M A Jinnah: Both are wrong.

Sir Hari Singh Gour: And, Sir, when I read the constitutional history of India, I went back not only to the Government of India Act of 1858, and to the earlier Councils Act, but even to the regulating Acts

of 1774 to find some dim parallel for the recommendations which are the framework of the Royal Commissioners' recommendations Honourable Members are aware that, ever since India was owned by the Honourable East India Company, the revenues of India were appropriated by that Company in London In 1858, when the Government of India Act was enacted, following the old procedure of the commercial Company, the revenues of India were declared by statute to be received in the name of the King and were disposed of by the Secretary of State in Council Honourable Members will remember that the Secretary of State in Council is not responsible to Parliament though the Secretary of State is. The revenues of India, therefore, from 1858 down to this day, have been at the disposal of the Secretary of State in Council, and the fundamental recommendation marking the line of difference between ourselves and the Statutory Commission is this, that while the Statutory Commission retain the vesting of the revenues of India in the authorities in England, we recommend that the revenues of India shall hereafter vest in the Government of India , and from the speeches made by Honourable Members yesterday, and on previous occasions I have been confirmed in my view that the recommendation we have made is certainly a recommendation which obtains the support of the large bulk of the intelligentsia in this country Sir, if once you postulate that the revenues of India shall hereafter vest in the Government of India, you have got all you want, because once the Government of India becomes the custodian of the revenues of India, that Government must become responsible to somebody and that responsibility must necessarily devolve upon the Central Legislature I therefore submit that once you grant that the revenues of India shall be at the disposal of the Government of India, the necessary logical constitutional corollary and deduction follows that that Government must be responsible to a lawfully constituted Legislature

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Now, Sir the other point upon which we have been at variance with the Statutory Commission is a very vital one. Honourable Members are aware that, for a long time past, in fact since the early days of the Company, the power of direction, supervision and control, which was held by the Board of Directors, was transferred to the Secretary of State in Council And, if Honourable Members will study the constitutional document therein on the Government of India, they will find the scheme working in this way The Secretary of State in Council is the ultimate authority , the Government of India are subject to the direction, supervising and control of the Secretary of State in Council , and then comes lower down the Governor : the Governor in Council is subject to the control of the supervision, direction and control of the Government of India Thus, within these three circles you have the entire authority, the sovereign authority, vested in three distinct bodies under the Government of India Act Now, if you really want to have a responsibility in this country, if you really wish that the Central Legislature and the Provincial Legislatures should exercise any degree of autonomy, then the first thing we have to do is to see that the Secretary of State in Council's authority to supervise, direct and control is limited, and it indeed was so limited by the Act of 1919, where the words " subject to the provisions of this Act " were added by the Reforms Act of 1919 But, mark you, now what have the Simon Commission done ? While the Act of 1919 nullifies the right of direction, supervision and

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control, and while the section of the Government of India Act of 1919 gives the Secretary of State the power to further transfer his power of control to the Government of India, the Statutory Commission now recommend that the ultimate control shall remain with the Secretary of State in Council Honourable Members will find (*Mr M A Jinnah* "We will take it from you") this view if they will turn to three paragraphs of Volume II of the Royal Commission's Report (*Mr R K Shanmukham Chetty* "Do not read the whole of it") The paragraphs are 97, 98 and 181 If you read these three paragraphs, you will find that the scheme of future Government of India according to the Statutory Commission is that, whatever may be the devolution of power in the circumference, and whatever may be the devolution of power in the centre, the power of the Secretary of State in Council remains unfettered and unqualified, even indeed, as it was before the Act of 1919 And in that respect, I submit, this recommendation goes back upon the Montagu reforms

Then, Sir, the third point was recently debated in this House Honourable Members will remember in connection with the Cotton Tariff Protection Bill when the question about fiscal autonomy was debated in this House The Honourable the Leader of the House then stated that you have got fiscal autonomy but you have got no machinery to enforce it It may be that in the Round Table Conference such a machinery will be devised for the purpose of making fiscal autonomy a real convention These are the words of the Leader of the House Now, what is the recommendation of the Statutory Commission They say that this fiscal autonomy places the Government of India and the Legislature in antagonism with the Secretary of State, the ultimate authority must be with the British Cabinet, and they therefore suggest, though they do not expressly say so, that this fiscal autonomy in India is a dead letter Now, I ask Honourable Members to notice that this fiscal autonomy convention was strongly emphasised by the Joint Parliamentary Commission in their report and they have further pointed out that, following upon this fiscal convention, the Government of India should make it a practice that, when they and the Legislature were in agreement upon other matters, the Secretary of State should stand aside In other words, though fiscal autonomy was granted to India as an incident of what the Secretary of State said about Dominion Status in action, the Joint Parliamentary Committee wanted that the convention should be extended and enlarged in other spheres But what have the Royal Commission recommended? They have passed a blue pencil through the whole fiscal autonomy convention Sir, I do not think that there is any Indian in this House, whatever party he may belong to, who will ever subscribe to this most reactionary recommendation of the Statutory Commission The present Government of India Act takes for granted that the further advance must be along the line of the British Parliamentary system The Statutory Commission sapiently observe that this form of Government is wholly unsuitable to India

Sir, I pass on to other phases of the Government of India Act, and I hope Members of the Executive Council will listen because their own future depends upon the new convention or the new constitution that the Royal Commission propose for them In the Government of India Act—and that Government of India Act follows the old Government of India

Act—India is defined in two places It is called " India," where it includes India and Indian States It is called " British India ", where it deals with British India alone, excluding the Indian States Now, mark my words Under the Government of India Act, since 1858 and earlier, the whole of India, including Indian States, were under the control of the Governor General in Council The Statutory Commission say that this will never do (*Mr M A Jinnah* " They are quite right ") The Viceroy should hereafter be in charge of Indian States and the Governor General in Council shall only be in charge of British India But the matter does not rest there What is the position of the Executive Council ? According to Mr Montagu's Report and the convention since established, the Viceroy's Executive Council, leaving out the Commander-in-Chief, consists of six Members, of whom three are Indians (*Honourable Members* " No, no ") and three British people Now, we have been complaining from 1921 that the Viceroy must keep on changing the portfolios, so that the Indian Members

Mr President Order, order I wish to remind the Honourable Member that we have already decided that we will not go into the details of the scheme

Sir Hari Singh Gour : I am not going into the details (Ironical Laughter) but I am simply trying to explain point by point Honourable Members will remember that we have been complaining from 1921 that some of the important portfolios such as the Home Department, the Finance Department and the Railways, should occasionally be transferred to the Indian Members of the Executive Council, so that there may be a gradual association of Indians in the higher administration of the Government of India in accordance with the declared policy of the Government of India Act From 1921 down to date this has been the desire of the Legislative Assembly At any rate, there is an equipoise between the British Members and the Indian Members, a partnership in which the British and the Indians are half and half (*Mr M A Jinnah* " Are they ? ") At any rate, nominally they are Now, look at the scheme suggested by the Royal Commission They say that one civilian Member in charge of the Army Department should be added to the Executive Council and he should be the Leader of the Federal Assembly Well, Sir, I have read the Report again and again, and I can only understand that the real effect of this would be that there would be a standing majority of four European Members in the Viceroy's Executive Council and a standing minority of three Indian Members I am still dealing with the Executive Council Up to now the Army and defence have been in charge of the Governor General in Council, but under this scheme the Army is removed from the Executive Council and is placed directly under the Viceroy, and a suggestion is made that India should contribute a certain definite sum of money to England, and England should make herself responsible for the defence of India.

Sir, this is the constitution for the Central Government If we turn to the provinces, what do we find ? Look at this picture and at that Under the Montford reforms, at any rate in the diarchical system of Government, in the subjects transferred to the charge of Ministers, the Governor has only a nominal control, and the amount which is required for the administration of the transferred half of the Government is voted Now under the recommendation of the Statutory Commission, the present

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division between votable and non-votable subjects, both in the Legislative Assembly and in the Provincial Governments, shall continue and yet we are told that diarchy is dead So long as the difference between votable and non-votable subjects in the province continues, I cannot understand how there can be and has been an end of diarchy Then, it has already been pointed out, and I do not wish to repeat it, that official Members are to be in charge of defined portfolios and they are to be called Ministers, and the curious recommendation is made to this effect that a vote of censure or a vote of no-confidence by the local Councils shall not be directed against any one Minister, but shall be against the Ministry as a whole On that, what will be the result ? Let us assume to ourselves a case of a very unpopular official Minister who has made himself very obnoxious I am only assuming, I do not say that such things will happen, but we have always to take extreme cases for the purpose of making our point Suppose we get a very unpopular official Minister to sit in the Cabinet and four non-official Ministers are in utter disagreement with him, and thereupon the Council passes a vote of censure against the Ministry now what is the result ? The result is that, for his offence, the other four non-official Ministers resign Sir, I have heard that in China vicarious punishments were above time permitted to a condemned man, but I have never heard or thought that that system, which has long since been abolished in China, would be introduced in India and innocent Ministers would be sacrificed for the vagaries of official Ministers And as if this was not all, the Royal Commissioners pointed out that, ordinarily speaking, supposing there was a reconstitution of the Ministry, what was the suggestion ? The suggestion is not that the offending Minister should go Generally speaking he is not to go at all but, there should be a reconstitution Supposing Sir, four other Ministers come and the official Minister makes himself equally unpopular to the others, the same system is repeated I know what the answer will be The answer will be that you must leave the Governor a large discretion to deal with a situation of this character, but that is exactly what I object to If you wish to trust your Ministry with the duty of carrying on the Government of the province, do not create a *deus ex machina* for the purpose of coming down upon the Ministry with a heavy hand at any time when it is found that the Ministers are not in entire agreement with the head of the Government You must assume that either the provinces are ripe for autonomy or they are not If they are not, then cancel the reforms Let us have a pure, undiluted system of bureaucratic Government, but I do not believe in this masked government, which is in reality bureaucratic, but of which the semblance is democratic Sir, there are many other points I do not know whether the recommendations or the schemes prepared by the various Local Governments have been published I see there is an advertisement here that all the schemes have been published I do not know whether the memorandum submitted by the Government of Madras is published I wish to ask the Honourable the Home Member whether it is a public document, I mean the recommendations of the Madras Government

The Honourable Mr H G Haig : I believe, Sir, that all the Reports of the Local Governments have been published.

Sir Hari Singh Gour : Very well, Sir. Just think of this The Madras Government in their recommendation very clearly point out that

the existence of an all-India service responsible to the Secretary of State is incompatible with the establishment of provincial autonomy If you wish to create provincial autonomy, you must equally provincialise the services The Ministers must be free to engage the tools with which they will work But what is the recommendation ? The recommendation is that, while we give you provincial autonomy, the services will be all-India services

Mr President : I hope the Honourable Member knows that he should address the Chair

Sir Hari Singh Gour Yes, Sir The recommendation is that while we give you provincial autonomy, the services will be all-India services, not subject to the provinces, but to the Secretary of State Now, Sir, I wish to ask Honourable Members how is even that attenuated provincial autonomy, which the Statutory Commission recommend, practicable or workable when you have got the Agents not responsible to you and not removable by you and not even subject to your discipline I submit, Sir, that that is the weakest point in the scheme of the Statutory Commission Honourable Members will further remember that, in the days when Mr. Montagu published his scheme, he saw at the time the difficulty that would arise and the conflicts that might be engendered between what is a votable subject and what is a non-votable subject and between what is a reserved subject and what is a provincial subject or an Imperial subject In other words, conflicts between province and province, between the centre and the circumference and between India and the Home Government were extremely likely He said that during this transitional period of ten years, he would leave the Governor General in Council to decide all these questions But the provinces and the Ministers complain that the Government of India being the complainant, ought not to be the judge in its own case and you must instal an impartial tribunal for the purpose of upholding the constitution and decide all disputes between man and man It is one of the essential features of all the Dominion constitutions that you have a judicial body set apart for the purpose, *inter alia* to decide matters of this kind I believe, Sir, that in all the recommendations, in all the schemes, whether of the Indian States or of the Associated Chambers of Commerce, or of the European Association or of all the all-Parties Conferences, the establishment of a Supreme Court for India is a common feature It is there provided that you must have a Supreme Court in India for the purpose of deciding these disputes Apart from that, for a very long time past the Privy Council have been complaining that they have been converted into a court of criminal appeal, whereas they are no such court at all, and Lord Haldane pointed out, about 20 years ago, that the time had come for India to have an ultimate court of appeal Now, Sir, we recommended that there should be a supreme court of appeal in India There is no recommendation of that kind in the Statutory Commission's Report But there is one line in which they say that they do not think that the matters in dispute should be the subject of litigation and that they should therefore be decided by the Executive Government I submit that if you really want that these questions should be disposed of, you must establish an impartial tribunal. Only the other day I asked the Honourable the Finance Member as to what procedure was going to be followed in deciding a long-standing dispute involving several million pounds between India and England He said

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that the matter was in the course of negotiation and that he would consult this House before the machinery to be appointed by the Government of India was finally settled I suggest, Sir, that in cases of this kind which have remained long pending and in which the existence of an impartial tribunal would speedily dispose of matters held in abeyance for want of a suitable tribunal and for other reasons, if any advance is to be made, it must be accompanied by the establishment of a supreme court in this country

Sir, I do not wish to labour the questions dealing with the relations of British India and the Indian States The establishment of a Privy Council to deal with questions excluded for the time being from the purview of the Government of India Act is the solution which we suggest and a solution which has partially been accepted by the Statutory Commission, who recommend the establishment of a Council for Greater India

Sir, I submit that these are in brief the broad outlines of the Statutory Commission's Report with which we are unable to express our concurrence May I say further that we are strongly of opinion that those who go to the Round Table Conference should emphatically and with unequivocal voice declare themselves against every one of the recommendations of the Statutory Commission regarding the future constitution of India ? I think, therefore this debate has not been in vain if the ground has been cleared and our representatives in the Round Table Conference have been charged with the duty of safeguarding the interests of India by explaining to the British representatives and to those who will confer with them the inutility of carrying out any of these recommendations I submit, Sir, that the Round Table Conference will serve a great purpose I am glad that the Round Table Conference has been acceded to If there had not been a Round Table Conference, the position would have been that the recommendations of the Statutory Commission would have immediately either gone to the Parliamentary conveyancers and draftsmen for drawing up a Bill or they would have been referred to a Joint Parliamentary Committee This intermediate stage of discussion between the representatives of India and England is a happy augury of the times, and I can only hope that the Government of India will possess a large vision which is called for on this occasion They see around them signs of revolt and revolution they see around them a movement intended to bring into contempt the established Government in India , they see around them a mass movement which is thirsting for a new order and a larger freedom And if they really want that the London Conference should be representative of all interests and all classes, their primary duty is to make all available efforts to secure the co-operation and support of those who at the present moment hold the centre of the stage I say therefore that the Government of India have sufficiently shown their might and power to quell disturbances It is now time that they should show their clemency Let them send for the leaders, the well-known representatives of the Congress movement, let bygones be bygones, and ask them to join this grand work of framing and fashioning the future constitution of India I am sure that if these leaders of the Congress movement are approached in the right spirit, they will gladly respond and they will join in this grand work of reconstructing the India of tomorrow. Without them I fear that, whatever may be the

merits of the scheme agreed to by the Round Table Conference, we shall not have done with the recrudescence of unrest which will continue and which will, I am afraid, react upon the success of the future constitution of this country I therefore appeal to the Honourable Members occupying the Treasury Benches that on this occasion they should take into confidence the leaders of the Congress movement and they should, above all, see that the representatives who go to London are representatives who will construct a scheme that will endure and be for the benefit of united India Sir, I therefore support the motion for a supplementary grant for the Round Table Conference, but I have equally to support the cut because I feel that I shall not be justified in asking our representatives to go to that Round Table Conference unless they are charged with a definite mandate, which this House should give them, that by all means in their power they should circumvent the reactionary recommendations of the Statutory Commission ; and when any scheme is put forward in that Conference, it should be met upon the grounds which we have suggested and upon grounds which will occur to them which we have not suggested here I feel therefore that our representatives should be doubly armed when they go to the Round Table Conference with an expression of our views and criticisms I venture to think that even the Honourable Members of the Treasury Benches must be raising their heads up towards Heaven and asking for guidance because I do not think many of them see what the Simon Report can possibly mean, how it is workable, and how it is going to reconcile a constant antagonism between an irresponsible executive and a central Legislature not of 145 Members, but of 300 Members This constant friction between an irresponsible executive and three hundred irresponsible Members of the Legislature will bring about a deadlock and will create a stalemate in the administration of this country, which you will very soon regret Look back to the past We have been told by high authority that the Government of India must either go backward or go forward It cannot stand still (*An Honourable Member* " Question ") The Statutory Commission are going to send us backward , but let me tell them that, if they go backward, they will fall into a ditch from which it would be difficult for us to rescue them Let them take their courage in both hands and go forward Let me in those inspiring words of the Viceroy appeal to them and let the Government of India be

Mr. President What is the use of making an appeal to them ? They cannot do anything now

Sir Hari Singh Gour They can do a lot , and so far as they are concerned they should voice our sentiments and our feelings and advocate our demands Let them for the time being, irresponsible though they be, show themselves as the national Government of India (*Honourable Members* " Oh, oh ") and as such make such recommendations as will be conducive to the welfare and happiness of the people of this country Men come and go , we are all birds of passage , but remember one thing and it is this . Mr. Montagu is dead, but everybody remembers the great work he has done ; his name is enshrined in the hearts of the people of this country. I ask the occupants of the Treasury Benches to feel inspired by a similar vision and to be moved by a similar feeling Let them show to the people of this country that, whatever may have been their irresponsibility in the past, they are going to fashion a constitution that will be for the lasting good of the people of this country Sir, I have very great pleasure in

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supporting the fundamental principle of the Honourable the Finance Member's motion but I regret that I have equally to support the cut (Laughter.) because I am not in a position to allow the Simon Commission's Report to remain on the agenda of the Round Table Conference without a protest from this House

Mr President : There are some other cuts on this motion and I think it would be better if I were to call upon the Movers of those cuts to move their cuts so that the House may be in possession of the entire subject and it may be easier for Honourable Members to cover all the points in the course of their speeches I understand that Mr. Acharya is not very anxious to move his cuts * Am I right ?

Mr M K Acharya (South Arcot *cum* Chingleput Non-Muhammadan Rural) That is so, Sir , I am not very anxious to move the cuts standing in my name, provided the Government see that they take note of the suggestions I made yesterday in my speech

Mr. President Mr Abdul Latif Saheb Farookhi

Failure to create an atmosphere of peace and goodwill for the Round Table Conference and the inadequate and unsatisfactory Recommendations made by the Simon Commission both from the point of view of the country in general and that of the Muslims in particular, which will be placed before the Round Table Conference

Mr Abdul Latif Saheb Farookhi (North Madras Muhammadan) Sir, I move

"That the Demand for a supplementary grant of a sum not exceeding Rs 2,66,000 in respect of 'Miscellaneous' be reduced by Rs 100"

In moving this cut I beg to point out that I have three main points to bring to the notice of the Government The first is that I feel that no genuine new attempt has been made by the Government to see that all politically minded parties in the country seek to co-operate in the Round Table Conference The second point is that I feel that the Simon Commission's recommendations have fallen short of the demands of the country Lastly, I also feel that the demands of the Muslim community have been ignored

Now, Sir, in moving this cut, I should at the very outset like to point out that I am not one of those who feel that no useful purpose will be served by going to the Round Table Conference I maintain that there is a very great force in the argument that there should be a free conference, where no party should go with any previous commitments I do not agree with those who believe that the freedom of India could be attained, under the present circumstances, by resorting to civil disobedience I feel that the declaration of war by the Congress at a time when much of the misunderstanding that has been created between the

* "That the Demand for a supplementary grant of a sum not exceeding Rs 2,66,000 in respect of 'Miscellaneous' be reduced by Rs 100 (Inadequate information regarding the function of the proposed Round Table Conference and the status of Indian delegates thereto)"

"That the Demand for a supplementary grant of a sum not exceeding Rs. 2,66,000 in respect of 'Miscellaneous' be reduced by Rs 100 (No information regarding the interests and parties that will be represented at the Round Table Conference—Failure to seek non official advice regarding such representation.)"

people of India and the Government could be removed by a frank heart-to-heart talk at a free conference– at such a time the declaration of war by the Congress was most unwise and most inopportune But, Sir, at the same time, I cannot resist the feeling that, in spite of the fact that His Excellency the Viceroy has got very genuine sympathy towards the aspirations of Indians, which has been admitted by his severest critics, in spite of his sympathy, no genuine effort has been made by the Government to induce those who feel that they ought not to go to the Round Table Conference to find their way to co-operate with the Conference It cannot be gainsaid that those who have been advocating a boycott of the Conference are a very influential section of the Indian population Such being the case, I personally feel and I have no doubt in my mind that most Members—at least elected Members—of this Assembly also feel that a conference without that influential element, which can speak on behalf of a considerable section of the Indian people, would not represent the real feelings of the Indian people I also feel that, without the co-operation of the leaders of the Congress, it may perhaps be necessary for the Government to be holding conference after conference, and who knows what the result will be ? Therefore Sir, I feel that if an attempt is made at the very beginning, and if fortunately the Congress leaders are persuaded to co-operate with those are in favour of going to the Round Table Conference, most of the difficulties that stand in the way of solving the political problems of India will disappear Now, Sir, why do I say that no attempt, no renewed attempt, has been made by Government to placate the Congress leaders ? The reason is this After the conference of the Viceroy with Mahatma Gandhi, Pandit Motilal Nehru and my friend, Mr Jinnah, the Leader of the Independent Party, broke up without achieving any fruitful results, as far as I am aware the Government did not try as much as it was possible for them to do so—and they could have used many influences—to bring round leaders like Mahatma Gandhi, Pandit Motilal Nehru and others to their point of view and to convince them that to sit in a Round Table Conference on honourable terms would do no harm to India

Mr Muhammad Yamin Khan What are the honourable terms ?

Mr. Abdul Latif Saheb Farookhi My friend, Mr Yamin Khan, asks me what the honourable terms are I think he values self-respect as much as I do, and if my Honourable friend thinks that the Government are not offering honourable terms to those who are going to the Round Table Conference, I think he should be the first gentleman to boycott this Conference (Hear, hear)

Now, Sir, as I said, it was not beyond the resources of the Government to try and bring round the Congress leaders, because, from the reports which have appeared in the Press, before Pandit Motilal Nehru was arrested, I found while I was at Madras that he, I mean Pandit Motilal Nehru, made a gesture of peace, and though the terms and conditions contained in his gesture under which he was prepared to co-operate with the Government might not have been acceptable to Government, yet there was a clear indication on the part of the Congress leaders that they were prepared to open the door for negotiations and for co-operation. Now, Sir the Government have regrettably failed to seize that golden opportunity (*An Honourable Member* : " Shame ")

[Mr Abdul Latif Saheb Farookhi]

What did the Government do on the contrary ? They have launched on a policy of repression which no Indian, whatever may be his religion, or whatever may be his political creed, would endorse The indiscriminate *Lathi* charges by the police throughout India, very often on innocent crowds which assembled not in sympathy with the civil disobedience movement, but for the sake of mere curiosity, the ban placed on the legitimate freedom of the Press, the rule of Ordinances and the indiscriminate arrests of a large number of people, including respected leaders like Mahatma Gandhi, Pandit Motilal Nehru, Dr Mahmood and others, all these, Sir, did not go to create an atmosphere of peace and goodwill, which is very necessary for the success of the Round Table Conference Sir, I am not blind to the harm done to the cause of India by the civil disobedience movement started by the Congress leaders in a moment of indiscrete haste, without previously entering into any reasonable compromise with the minorities in general and the Muslim minority in particular I do not also fail to appreciate the onerous responsibility that rests upon the Government of India for maintaining law and order But, Sir, what I feel is that those responsible for the maintenance of law and order have abused their power They did not use that minimum force which was necessary for putting down the unrest which was created either by the Congress leaders or the Congress followers, or by other people who wanted to take advantage of the opportunity and create more trouble Well, Sir, I should like at this stage to bring to the notice of this House—my friend, Mr Rangaswami Ayyangar, has just reminded me—about the police excesses at Madras on the innocent Madras public, but I do not want to go into details But what I desire to point out is that, taking into consideration all these factors, it cannot be denied that the Government have failed in their duty to create that atmosphere of peace which is essential to bring about the co-operation of the people with the Government to sit and discuss in the Round Table Conference Of course, I know that there is no use in flogging a dead horse Let bygones be bygone Let us not regret about the past, but let us be mindful and cautious about the future I should like to know from the Government what action they propose to take to bring about the co-operation of all the political parties of India, so that we may sit in the Round Table Conference in an atmosphere of peace and settle matters amicably Now, Sir, I should like to suggest to the Government that, for bringing about that atmosphere there are some circumstances which should be regarded as conditions precedent The first thing that I feel is that Government should declare a truce, and then all political prisoners, including the Moplahs, should be released Now, some Honourable Members may not quite agree with me when I say that the Moplahs should be released (*Some Honourable Members* "No, no") I should like to give my reasons for that. The Moplahs, Sir, in the Moplah Rebellion of 1921

Mr. President The Honourable Member need not go into the reasons

Mr Abdul Latif Saheb Farookhi : I want to say only one sentence and no more They took part in that rebellion, even as the Congressmen took part in the civil disobedience movement, actuated by feelings of patriotism, however, misguided they might have been, and therefore,

I feel that they were not guilty of any offence involving moral turpitude Hence I say that all political prisoners, including the Moplahs, should be unconditionally released Then, Government should use their resources—I cannot say what those resources are—but they should use their own resources to persuade the Congress leaders and convince them that, by sitting in the Round Table Conference, they will be losing nothing My Honourable friend, Sir George Rainy, is taking note of this point and I hope he will not come out with an evasive answer

Having said so much about the repressive policy of the Government, and having suggested means which can possibly bring about the co-operation of the Congress leaders, I now come to the next point, that the recommendations of the Simon Commission have fallen short of the demands of the country

Mr. President . As the Honourable Member knows, this point has been discussed so much that I think the Honourable Member need not go into the details of that point The new point which he has mentioned in his motion for a cut has already been discussed at great length, and I hope that he will now try to conclude his remarks

Mr Abdul Latif Saheb Farookhi : I beg your pardon I was not unaware of your ruling, and if you had allowed me to continue, you would have seen that I was not going into details I was simply going to say one or two sentences about each point and nothing more The Simon Report, as I have said, has fallen short of the demands of the country at large because the country at large irrespective of political parties or religions, has demanded complete Dominion Status, which, much to our disappointment, we do not find in the recommendations of the Simon Commission

Now, I come to the Muslim demands, and I hope you will allow me to say something more about them and I do not think I will take more than five or ten minutes So far as the Muslims are concerned, though they have not concealed their appreciation of one or two recommendations contained in the Simon Report, they, on the whole, consider the Report to be retrograde and reactionary The views of the Muslims were expressed in unambiguous and unmistakable language in the resolution passed only a few days ago on or about the 5th instant, by the Executive Board of the All-India Muslim Conference held at Simla With your permission, Sir, I should like to read out that Resolution

"(*a*) In the opinion of the executive board of the All-India Muslim Conference, the report of the Simon Commission, as a whole is unacceptable to the Musalmans of India because it falls short of their demands formulated by the All India Muslim Conference in Delhi on 1st January, 1929 (*vide* page 5) and because it is retrograde and reactionary in spirit

(*b*) With reference to some of the main proposals of the Simon Commission, the Board resolved as follows

1 While appreciating the recommendations of the Simon Commission that the future constitution of India should be on a Federal Basis, the election to the Provincial Legislatures should be by the system of separate electorates, and the provinces should have provincial autonomy, it is considered that the demands of the Muslim Community with respect to these matters as embodied in the resolution of the All-India Muslim Conference at Delhi, on January, 1st, 1929, have not been fully met by the Commission.

2 While reiterating these demands the Board is strongly of opinion that the elections to the Federal Assembly and the Council of State should be through separate

[Mr Abdul Latif Saheb Farookhi]

electorates While expressing no opinion at this stage whether election to either chamber of the Central Legislature should be by the direct or indirect election the Board is definitely opposed to the system of proportional representation, as suggested by the Commission The Board is emphatically of opinion that Muslims should be guaranteed a minimum of one third of the total number of seats both in the Federal Assembly and the Council of State

3 If at any time the Muslims of any province decide by plebesite of two thirds of Muslim votes to waive the right of separate electorate they should be allowed to do so The opposition of other communities to such a course should not prevent their abolition

4 Provincial autonomy should be real and should not be whittled down by the unlimited overriding powers of the Governors All the ministers should be elected non officials The ministry should be jointly responsible to the Legislature

5 Muslims must be guaranteed a clear majority in Bengal and the Punjab While the Simon Commission has maintained such a Hindu majority in six provinces they have deprived the Muslims of Bengal and the Punjab of their majority in the only two existing provinces, *viz*, Bengal and the Punjab

6 While agreeing with the Commission that there are strong reasons for the separation of Sindh from Bombay, the Board is unable to agree in their suggestion that the question of the immediate separation should be considered later The Board is emphatically of opinion that Sindh should be separated from Bombay without further delay and constituted into an autonomous Province

7 While realizing that the Commission have conceded the grant of reforms to the North West Frontier Province, the Board is strongly of opinion that these proposals are entirely inadequate and the reasoning advanced by the Commission is unsound The Board is emphatically of opinion that the North West Frontier Province should have the same measure of reforms as the other provinces of India

8 The Board is strongly of opinion that Baluchistan should be guaranteed full provincial autonomy, possessing the same powers as are enjoyed by other provinces of India

9 The Simon Commission has not made adequate provision for the representation of Muslims in the public services of the country or the Cabinets of the Governments of the various provincial and the Federal Governments In Board's opinion it is essential to the stability and success of any constitution that the Muslim Community should be guaranteed adequate and effective representation in the Cabinets and the public services of the country A provision to this effect must be embodied in the constitution

10 The Board has noted with regret that the demands for the representation of Muslims in all statutory self governing bodies such as local bodies, Universities, and other bodies created by Law as also their proposals for the protection of education, culture, language, charitable and religious endowments, Muslim Law (*Shariyat*) and religion have not been discussed by the Commission The Board feels extremely disappointed at the failure of the Commission to provide for effective guarantees for the carrying out of these safeguards The Board is emphatically of opinion that these safeguards should be a fundamental part of the constitution

11 The Board is unable to agree with the proposal of the Commission regarding the Army The Board is greatly disappointed at the failure of the Commission to make effective provision for the speedy Indianisation of the Military and Naval services and the establishment of an Indian Sandhurst. The Board feels that the Commission have ignored the genuine desires and aspirations of Indians of all parties on this subject The Board is strongly of opinion that in any scheme of the Indianisation of the military, naval and air forces that may be framed, adequate and effective representation of Muslims in all grades of these forces should be guaranteed to them by Law

12 The Board is strongly of opinion that Finance, Commerce, Railway, Posts and Telegraphs, in short, all subjects of common concern should be entrusted to the ministers responsible to the Federal Assembly, with such safeguards as may be necessary in respect of Army, Foreign affairs and Indian States for the transitory period The Board does not agree with the proposals of the Commission regarding the constitution of a Central Government as they confer greater powers on the Governor General than are consistant with the parliamentary form of Government"

Now, Sir, this Resolution speaks for itself There is no necessity for either commenting upon it or explaining it Now, Sir, only a few remarks more and I shall have done I now come to the representation at the Round Table Conference I am speaking with due respect to such of my friends as have served on the Central and Provincial Committees It is my personal opinion, and I have this consolation that I am backed by my constituency in this respect I am voicing the feelings of my constituency, that no person who has served on the Central or the Provincial Committees should be invited to the Round Table Conference The reason for this is that these people have had their say, and if they are to be invited again to the Round Table Conference, it would mean that they would be asked to sit in judgment over themselves Now, Sir, the other suggestion that I would like to make is that only such persons should be invited to the Round Table Conference

4 P M

Mr. President Order, order I think the Honourable gentleman is trying the patience of the House He ought to remember that there are many Members who are anxious to speak All these points have been brought repeatedly on record Therefore, I would request him to bring his remarks to a close

Mr Abdul Latif Saheb Farookhi I have not even taken half an hour I am now closing my remarks

Mr President Please do

Mr Abdul Latif Saheb Farookhi The other suggestion that I should like to make is that only such persons should be invited as command the confidence of their community, and they should not be invited merely because they are favoured by the Government In this connection, Sir, I should like to read a few sentences from a Resolution passed by the Executive Board of the All-India Muslim Conference very recently This Resolution says —

"The Board trusts that the British Government are not unaware of the fact that no constitution will be acceptable to the Mussalmans until and unless adequate safeguards are provided for their rights and interests as laid down in the Resolution unanimously adopted at the All India Muslim Conference held at Delhi under the presidentship of His Highness the Aga Khan on 1st January 1929 and they are adequately and effectively represented in the Conference by men who truly represent the community, respect the inviolability of Islamic Law, possess the confidence of their co religionists and give true expression to their views and sentiments"

Sir, in obedience to your ruling, I do not want to say anything more with regard to this point I appeal to this House and to the elected Members in this House that it is their moral duty to support this cut because no elected Member can tolerate the present state of things and at the same time go to the Round Table Conference With this appeal, I move the cut

Sir Cowasji Jehangir (Bombay City Non-Muhammadan Urban) While having no desire to cry over spilt milk, I venture to suggest that, had the Government in England acted on the united wishes of India and associated some Indians with the members of the Indian Royal Commission, my Honourable friend, the Finance Member, would not have had the trouble of moving for a supplementary grant today During recent years there have been two occasions on which Government have defied the united voice of India and they have rued the day While

[Sir Cowasji Jehangir]

passing what is commonly called the Rowlatt Act, they defied public opinion, and in the face of the strongest opposition of every party in India, that legislation was carried through I do not desire to dwell on the results When I heard that Indians were not going to be represented on the Royal Commission, that it was to consist entirely of Englishmen, I ventured an opinion and it was that the Government in England were making a blunder, of capital magnitude, equal to that of the Rowlatt Act I regret that my opinion then expressed has come out to be true If it had not been for the defiance of the united voice of India on these two occasions, we would not have had the atmosphere in which we have to live today Sir, I readily admit that, in the case of the second defiance of public opinion, the Government in India and in England did try to make amends, but the blunder had been committed They did appoint the Indian Central Committee to make up for the want of a few Indians on the Royal Commission, but I venture to say, in the presence of one or two Honourable Members here, who were members of the Central Committee, that that step did not have the desired effect I do not know whose fault it was, but the Commission and the Committee did not work harmoniously There was no consultation at the last moment between the Central Committee and the Commission as the Central Committee's Report was issued months before that of the Simon Commission Sir, if there had been a few Indians on that Commission, there would have been a clash of minds and of opinions which I am sure would have led to a different result to the one, some of us are now here to discuss Well, Sir, I do not desire to cry over spilt milk, but we have all to learn a lesson, and the question I ask myself is "Have we arrived at a time when the united voice of India will no longer be defied?" Sir, the future of India and England lies in the answer to that question, and it can only be answered by my Honourable friends opposite and their masters in England We are told that we shall get our answer in England before this year is out Mr President, I have been associated with Englishmen during the whole of my life, both in England and in India and I desire to sound a note of a solemn and earnest warning, and especially to those Englishmen in India and in England who are known today as Diehards. I would tell them with all the emphasis that I possess that, if they attempt to defy the united voice of India again, it will be a disaster both for India and for England (Hear, hear), and that the lives of many Indians and most Englishmen will be intolerable in this country It is for them to answer I may be told that the answer does not lie in the mouths of Englishmen alone I may be told that there are Indians and Indians, minorities and a majority who have to decide this question I admit that fact

But I have the fullest confidence that the minorities, and the majority will come to terms

An Honourable Member: When?

Sir Cowasji Jehangir: There will be an accommodation, in the words of the Simon Report, between these communities, and I venture to say that the reply whether there is going to be peace and harmony in this country, or whether there is going to be strife and disorder is in the mouths of statesmen in England I am quite prepared to admit,

more so, I agree, that every party should be represented at the Round Table Conference and I agree that every attempt should be made to bring all parties to this Conference But in my humble opinion, there is an even more important matter, and that is this—a mentality both in India and in England prepared to accept a self-governing Dominion constitution with the necessary safeguards If there is this mentality in England and in India, I venture to suggest that, however great a handicap it may be that one party should not be represented, there are possibilities of success for the Round Table Conference But if that mentality is absent amongst statesmen in England, and if it is not encouraged from India, I see nothing but disaster The right atmosphere is also necessary, and I venture to say to my Honourable friends opposite that in certain instances perhaps the right atmosphere has not been encouraged No one realizes more than myself the difficulties of the police They are working under most difficult conditions and are having the most strenuous times But that is no excuse for exceeding the limits that are necessary for maintaining law and order The city which I have the honour to represent is by no means a happy place just now There have been occasions when the police have, in my opinion, overstepped the limits and have assaulted innocent people, not connected, mind you, with the passive resistance movement, nor, mind you, near the scene of defiance of police orders There have been two such black days in Bombay These, after all, may be small matters to bring to the notice of the Legislative Assembly, and perhaps they are better discussed in the Provincial Councils But the important point is, not that some innocent men were unnecessarily assaulted however regretable that may have been , the important point is, what are the consequences of those assaults ? (Hear, hear) The consequences of those assaults have been to drive thousands into the camp of those opposing the Government , to make thousands sympathise with the civil disobedience movement who had no thought of joining it These unnecessary assaults give rise to processions in which you find men and women of all classes They join those processions, not because they sympathise with the civil disobedience movement, not because they do not desire Government to put down lawlessness, but they express, by these processions, their strong condemnation of the excesses that, on certain occasions the police have committed

The Honourable Mr H G Haig . I hope my Honourable friend does not mean to imply that any innocent persons, who may have suffered injury, were attacked deliberately

An Honourable Member : Yes, deliberately

Sir Cowasji Jehangir I am sorry the Honourable Member has asked that question I am not in a position to say whether policemen deliberately assaulted innocent men and women or not I do not know their mentality I can only judge from the facts, and it will be for my Honourable friend to judge from the facts He cannot get behind the minds of any individual policeman , he will have the facts placed before him, and from these facts he will have to judge. I can judge, from such facts as where the police assaulted innocent men, namely, in what place, how, at what distance from the scene of deliberate defiance of police orders, and so on Therefore, I regret my Honourable friend should have asked me that question. It will be for him to judge when such cases are brought to his notice

Mr. M. A. Jinnah : It is not possible for any man to know the heart of another man

Sir Cowasji Jehangir : I am just trying to make that point At any rate, Mr President, what I was trying to bring to the notice of the Government was that it is not the question of an assault or two It is not a question whether a man was assaulted while getting into a tramcar, or inside a tramcar, or when he was returning from his business These are questions for the Local Government It is the consequences of these actions that I want the Government to realise The consequences are that today Bombay is more antagonistic to Government than it has ever been since it was handed over to the British administration as a dowry of the wife of a British King And why is it so ? It is not because it refuses to acknowledge His Majesty the King, or the Government of India, or the Government of Bombay A city that was known for its loyalty is today, I regret to say, not happy, because she has seen in her midst on two days, namely, the 16th of June and the 21st of June, actions of the police which no man can call justified It is regrettable and the same story comes from all parts of India

Now, Sir, there is another aspect of the case to which I would like to draw your attention It is this I am perfectly aware of the untruths that are spread against Government officers I have personal experience of them One error may have been committed, and there will be a rumour all over the city that hundreds of such cases have occurred An officer very often may be wrongly condemned It is the atmosphere You cannot get away from it One individual case may be generalised, and one of these big cities may be informed that all sorts of murders are being committed, which may be all falsehoods But the point is that when acts have been committed in the presence of respectable men and women, acts to which they are ready to testify, and if these are denied, then everything else is believed, however wrong it may be Let me draw the attention of my Honourable friends to this aspect I know, as I have said, how false rumours can be spread deliberately, but inexcusable mistakes on the part of Government officers give justification for all of them

Mr President, I have said enough on this occasion May I again repeat that I have done so with a sincere and honest desire that the acts of Government may not be misconstrued and that Government here and in other provinces may see that, by mistakes on the part of their officers, their good intentions and their actions are not misunderstood by millions of the people of this country and they may not play into the hands of their enemies which, I am afraid, many of their officers are doing We are living in dangerous times I have never been the last to express my condemnation of the civil disobedience movement I see clearly how it is going to end Whatever its advocates may say, it is doomed to failure, and if we did not think that it was doomed to failure, then the majority of my Honourable friends behind me would be with this movement We realise that the movement is based on wrong foundations, that it can never succeed and it can never bring India happiness It can never bring India nearer to the goal of her aspirations That is why we have condemned it and we are prepared to adopt another method, namely, the Round Table Conference, which we know has chances of success And those chances of success will depend, not upon the mentality of my Honourable friends here

who belong to the minority and majority communities, but will depend upon the mentality of the statesmen in England All I can say is . may Providence guide them aright , and if India's united voice is to be again defied, then God help England and God help India

Mr. N. G. Ranga (East Godavari and West Godavari *cum* Kistna Non-Muhammadan Rural) : Sir, it is very difficult for me now to decide what to say, and how much to say, because I do not know how much time I am going to be allowed It is already the closing time Anyway, I must, first of all, protest against one of the statements made by the last speaker before I proceed with my own discussion It is said that the movement that is being carried on in the country is doomed to failure Sir, I am not so sure about it I do not approve of it We must realise, as honest people, that there are two parties in the country who are fighting, one is the Government, and the other is the Congress, and we do not know who is going to win They are willing and anxious to see that it is a fight to the finish We are anxious that these two parties should be brought together and made to accept reason, peace and conciliation It is really too early, and it would be disastrous and even inadvisable and unwise for us to say that one party is going to win and the other party is going to lose

Now, Sir, coming to the question of the Round Table Conference, I am one of those who have welcomed the great Viceregal announcement of 31st October, last I am one of those who really thought that India stood to gain by not opposing the Simon Commission , but what has happened till now since then ? In spite of the support that has been given to the Simon Commission by many people, who have been accused as being traitors to their own country, the Simon Commission to-day have hurled upon India a Report which is unjustifiable from whatever point of view we may look at it Now, so far as the Round Table Conference is concerned, everyone of us expected much from it Everyone of us was convinced, or felt at the time when the great Viceregal announcement was made, that here was a chance by which India was going to attain Dominion Status More than six months have elapsed, and yet to-day we are no nearer to Dominion Status than we were before the 31st October We were expecting great messages from His Excellency the Viceroy, as well as the Secretary of State for India, and only the other day His Excellency the Viceroy made a sincere appeal for co-operation between Indians and the English At the same time, he made a very ineffective appeal, because he was not able to satisfy a large majority of the people of this country as to the *bonâ fides* of his Government and the Government in England Sir, what are we going to do in the Round Table Conference ? Are we going to set up the future constitution for India ? If so, is it not necessary that both the parties in this Conference, Indians on the one side and the English on the other, should be prepared to co-operate with one another on terms of equality, goodwill and good humour ? Where is the good humour that is absolutely necessary ? Where is the idea of equality or concession of equality from the English to the Indians ? In India to-day we are faced with a nation-wide agitation with which most of us, I dare say, are not in sympathy, and we have made it clear on the floor of this House At the same time there is that movement in this country, and this movement has had the support of the people, not to the small extent that has been put by one of the leaders of my own party, but it has the support of a large majority of the people of this country, although it may be they have been misguided Well, Sir, what have the Government been doing till now ? Instead of giving a

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chance for the Round Table Conference to decide the future constitution of India, the English Government have chosen, Sir, to give wide publicity to this disastrous and mischievous Report, the Simon Commission's Report, by advertising it and by selling it cheaply. To-day it has been stated that the first edition has run out and the second reprint is coming out shortly and is expected to sell out In addition to that, as my Honourable friend behind me just reminds me, the Secretary of State, Mr Benn, has announced in the House of Commons that he is considering seriously the possibility and the necessity for getting this Report translated into as many languages as possible, so that England can carry on as much mischievous, disastrous and useless propaganda against India on behalf of England not only in England, but also in all the countries of the world to justify the position of England and to justify the diehardism of England Sir, is this the atmosphere in which the Round Table Conference should meet ? Is this the time when a Conference called the Round Table Conference should meet in England, where the future constitution of India can be discussed ?

What is the part that is being played by the Government of India itself ? Is the Government of India trying its best to see that the number of friends for itself and for the ideal of the Round Table Conference is increasing ? Instead of that, as my Honourable friend, Sir Cowasji Jehangir put it, they have attempted to try to increase their enemies All their actions have resulted in increasing the number of their own enemies in this country, although these enemies are as anxious as my Honourable friends on the opposite side of the House to have a strongly organised Government to maintain law and order in this country If you go anywhere in the country from which I come, the Andhra country, you will find that there is not even one important person who is prepared today to stake all his property and all his position in supporting the Government Why is it so, Sir ? Only till the other day there were a number of people who called themselves co-operators, who called themselves Justicites and who came forth willingly and gladly to support the Simon Commission And why should it be that all these millions of people should today be ranged on the side of anarchism, on the side of those people who are against the Government ? What is the cause ? It is all very well, it is all very easy for my Honourable friends on the other side to say that they are not responsible for this state of things, but that it is civil disobedience and its adherents who really are the cause for this uprising of anarchy and for this atmosphere of anarchy On the other hand, let them have some patience and let me say to them that in none of the important cities in the Northern Circars on the Coromandel Coast, is it possible for any one to organise a meeting, whether it be for the peaceful purpose of co-operative movement, or for anarchical purposes, or for the purpose of the civil disobedience movement Only the other day, when a co operative conference was about to be held in Guntur, the police authorities prevented its being held on the plea that there was section 144 in force. This demon of section 144 is visiting every place It is a contagious disease, which is spreading from place to place The whole of the country which I represent is now subject to the virulent attack of this demon of section 144, Criminal Procedure Code, as I would put it. In addition to that, you have what is known as a ban on the Gandhi cap I can wear a Gandhi cap here, but I cannot wear it in Guntur If I go there tomorrow, though I am a Member of this august Assembly, with this cap, I would be clapped in jail. Do you think that

that is a thing which any self-respecting Government, which any civilised Government, a Government which is really anxious that Indians should come to terms with it, that Indians should co-operate with it, that Indians should accept the olive branch as it now says it is offering, should do ?

Again today we are told that there is local self-government in this country We are told, " Look here, the Simon Commission have recommended provincial autonomy You are going to get it Why don't you go to the Round Table Conference ? " Well, Sir, what are we having in that part of the country from which I come ? In Guntur, the Collector issued a mandate to the Municipality of Guntur, stating clearly that, unless each and every member of that house voted in favour of the removal of the National Flag by a particular date—that was the 21st of last month—unless this was done, each and every member was liable to be arrested It is a statutory body It is a public body and that body has already taken that particular decision, namely, to hoist the National Flag on the Municipal Office Now here are the members who are threatened with arrest Do you want to convert all of them into anarchists ? Or do you want them to remain loyalists, moderates and co-operators ? This has happened in my district If they decided to keep the flag flying, they would have been clapped in jail, and you would have accused them as being irresponsible people, as being mad people On the other hand, they have, except for two courageous people, rescinded their own past Resolution and they have passed another Resolution saying that they are prepared to remove it You are prepared to applaud them, I suppose Sir, no self-respecting Indian in this country, who has got one decent drop of blood in him, can congratulate them At the same time I sympathise with them I do not expect them, I do not want to advise them to become unwise, to become mad people Sir, there were police excesses everywhere I went to several places myself I have seen broken heads, I have seen broken limbs of several people I have seen many people lying down in the hospitals in villages like Angalur, Gudlavalleru, Kantaram, Gudivada, Ellore and other places In addition to that, I have seen doors broken windows broken, houses broken into, and women insulted It does not stop there There were *dhobies* who were threatened with imprisonment if they washed *khaddar* cloths All people were beaten there, whether they were *khaddar* clad people or foreign cloth clad people, wherever they were found Look at the humour of the police action They simply go to a gathering of five or six people and ask them to disperse When they start dispersing, the police begin to beat them To avoid this beating, if they run, they are still beaten until they are able to get into their houses I know of cases where people were taken by their pig-tails out of their homes into the streets and insulted as being cowards for having run away from the police Is this the kind of action, is this the kind of behaviour that a civilised Government should exhibit in this country, if the Government of India expect to establish a proper atmosphere for the Round Table Conference ?

Again there were police excesses in Rajahmundry As my Honourable friend Sir Cowasji Jehangir has put it certainly there might have been exaggerations, and to some of the responsible and authorised exponents of British law formed themselves into a body of inquiry to inquire into the police excesses and stop the exaggerations, if any And what did the local authorities do ? They simply sent them an order informing them that they should not form themselves into a committee of inquiry When they refused to abide by this police decision, the great demon of section 144

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was hurled upon them, and so they had to stop their inquiry Is this th atmosphere that you are creating ?

As my Honourable friend, Sir Cowasji Jehangir has put it, it is not the number of people who have been hurt, killed or insulted which is the most important thing, but it is the kind of atmosphere that is being created in this country which really matters Can any one of the Honourable Members of this Assembly, however proud, however aristocratic, and however great he may be, go to any place in the Andhra country today and tell them to go to the Round Table Conference where they will get all kinds of reforms and more power for their own country ? Can you talk sense to them ? Can you make them realise the benefits that they are deriving from this peaceful Government ? Can you make them see the necessity for law and order ? Not at all, because the people have gone almost mad , mad, because they have been asking for freedom and they have been denied it , they have been asking for constitutional advance, and they have been denied it They have been expecting more improvement, and what has been offered today is nothing This Commission's Report is a regular insult to the self-respect, to the manhood and also to the hopes and desires of Indians Sir, we cannot go on at this rate

I really want a Round Table Conference, I want it at once I want peace and goodwill to reign between England and India I know that England, of all the Imperialistic countries, is the best I was in England for six years, and I can claim to have as many English friends as my English friends in this House can claim to have Indian friends for themselves, friends for whom I have got great regard, friends with whom I have moved for years And yet, Sir, I cannot understand the attitude of Government here and their supporters in England in bringing about the kind of atmosphere that we are now having in this country If we are to have peace and goodwill to reign between these two great countries and nations, what we should try to do is somehow or other to get hold of these people who are today making a mad and desperate attempt to grasp at the fruit of freedom and liberty Government may say, " How are we to get hold of these people, when you yourselves say that they are mad and will refuse to grasp the hand of fellowship which we offered in October 31 ? " Sir, what did the British Government do in Ireland ? They asked the professed Irish rebels, some of them condemned to death, to come and meet their responsible officers and Ministers You can ask the Congress to do the same thing You can ask them to stop this agitation and say that you are prepared to offer this particular promise of implementing the scheme of Dominion Status at the forthcoming Round Table Conference Is that more indecent and undignified than the offer which was made by the mighty British Government to the professed rebels of Ireland ?

Again, Sir, I wish to put another question How are you going to end this impasse which, as you say, these civil disobedience people have brought about ? Is it by the breaking of heads, or is it by conciliation, by bringing them round to follow the path of wisdom and responsibility in their actions ? We have got Dr Ansari, one of the greatest of Congressmen, an *ex*-President of the Congress, ready to help as far as possible and mediate between the Government of India and Mahatma Gandhi and Pandit Motilal If again Government wish to take that course, a glorious opportunity has been given by Mr Slocombe the special representative

of the *Daily Herald*, by his interviews with Mahatma Gandhi and Pandit Motilal He showed to the British Government and also to the Indian Government that these people, who are supposed to be mad, have got some sense in them and are prepared to come to terms with the British Government Are not the Liberal leaders, men like my leader here, Mr Jayakar, anxious that Dominion Status should be achieved for India ? They have asked for it time and again What more is being asked today by Mahatma Gandhi and Pandit Motilal ? Nothing more than the " Substance of Independence " What else is it but Dominion Status as it is understood in the Dominions and also in England by responsible politicians and statesmen ? Every one is anxious to have the same thing Why is it so difficult for Government somehow or other to assure the people that they can go to the Round Table Conference without any injury to their ideas or to their conception of self-respect ? Why do they not take this initiative ? Is it beneath their dignity ? Is it not their duty somehow or other to bring back the people who are going mad ? Bring them back again into your fold and see that these people are able to enjoy the peaceful, progressive, civilised and respectable form of Government which they desire In these circumstances, since the British Government and the Government of India have failed to implement a scheme of Dominion Status, since the British Government and the Government of India have failed to bring about conciliation in this country amongst the different sections of the people and themselves, I think it is really beneath the dignity of any self-respecting Indian to go to the Round Table Conference It is not proper for us to go to that Conference, however beneficial, however useful and however tempting it may be I know the Honourable the leader of the Independent Party, Mr Jinnah, is very very confident of his own powers of advocacy and his ability to go to the British people and convince them of the reasonableness, the sacredness and the justice of his own case for Dominion Status But, Sir, I wish to tell him most respectfully and humbly that if the whole of the civil disobedience movement is not able to reason with the British Government and the Government of India, although it is supposed to be a mad movement, would it be possible for one Mr Jinnah, however intellectually great he may be, to convince the British Government who have already made up their minds about the Round Table Conference and also about the Simon Report ? Would it not be better for him, intellectually eminent as he is, to stand by the side of the people and say, " Do not go on in that mad rush, but come and let us fight with this Government It may be the Government is Satanic, but it has still a bit of reasoning capacity in it Let us go and attack it " Of course, up till now, there have been very few signs of reasoning powers in the Government of India At the same time of course you should not take my expression " Satanic form of Government " to be absolutely and literally true, because it consists of human beings who are agents of the Satanic Government, and it may be possible for us to convince these human beings, in some sub-conscious way, to change the very character of this form of Government That is why I am extremely anxious that my leader, Mr Jayakar, and also Mr Jinnah should remain here on the floor of the House and say it is beneath their dignity to go to the Round Table Conference

There is yet another point In the Viceregal announcement that has been made, it is stated that the representatives of India should go to England to confer with—not the representatives of the British Government—but the

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representatives of the British people This is a new expression, and it jars on my ears Hitherto we have been given to understand that our people are to go into that conference with the representatives of the British Government and we were not given to understand, or even to guess, that the conference was to be between the people of India and the people of England Sir, if it is going to be the latter conference, I can assure you, if it were to be given to me to forecast events, that nothing more than the Simon Commission recommendations will be got for India in its future constitution

Secondly, Sir, the Viceroy, in his announcement, said that people of all different parties will be welcomed and invited, but he did not state that the leaders of these different parties in the country are going to be consulted in a responsible manner before the representatives for the Round Table Conference are selected The Honourable Mr Jinnah gave the warning to the Government, that Government should try its best to see that it did not get into a mess and that it selected proper representatives of the people who could deliver the goods Sir, I wish to address a question to him as to how far he can feel confident that Government will show reason and sense in selecting responsible people to represent India, even if we are to ignore, for the time being, the followers of the civil disobedience movement and Gandhiji himself ? Can he feel confident, taking the Government's past into consideration, that the Government have got that much of wisdom or sense as to invite only such men as can really deliver the goods on behalf of the different communities of which this country is composed ? Can he feel sure about it ? I do not, and that is another reason why I oppose this particular motion I would like to oppose the whole of this motion If that is not permitted, I should like to support the cut There is a mischievous suggestion on the floor of this House by one responsible speaker that this cut should be withdrawn I protest against that, I do not approve of it, it is the sacred duty of every one of the elected Members of this House, as was indicated by Mr Jinnah, to vote for this cut in order to show in an emphatic manner our indignation our dissatisfaction and our disillusionment against the past as well as the present policy of the Government

Mr President : Anxious as I am that as many Honourable Members as possible should get an opportunity to speak in this important debate, under the powers which are vested in the Chair, I prescribe a time limit of fifteen minutes for each Honourable Member to speak

Sir Hugh Cocke (Bombay European) Sir I have listened with very great interest to the speeches

Mr. M A. Jinnah : May I rise to a point of order ? I thought when I raised the point you said you had no power at all

Mr President : What I meant was that no time limit was prescribed by law But the President, I suppose, has the power to prescribe a time limit if he wants to do so

Mr. M. A Jinnah : What is the time limit you have prescribed now ?

Mr President : Fifteen minutes.

Sir Hugh Cocke I have listened, Sir, with very great interest to the speeches which have been made today and yesterday I do not propose to follow the course which has been taken by many Honourable Members of discussing in detail or even in a general way the recommendations of the Statutory Commission I should like to remind the House once more that that Commission was appointed for a definite purpose, namely, to inform Parliament of the state of progress in India and to make recommendations for a future constitution It is not surprising that Indians should not agree, in the first place, with the composition of that Commission, or, in the second place, with its findings I think that there is very good material in that Report, but I do not for a moment suggest that we agree on these Benches with every part of it , it has to be taken more as a guide or a basis for discussion, and it is a Report which, I venture to think, will be found to be extremely useful when we get round the table One reason why I do not desire to go into particular recommendations is that I am very slow myself, not having a quick legal brain, to come to conclusions on the recommendations The morning they were published I had a Press representative in my office at about 12 o'clock wanting my opinion on the Report When I told him that I had not even completely read a summary but only the headlines, he suggested that it was quite enough and that he had already got several opinions But I said that I was not following that course The Report is being examined by the Associations which represent European interests in this country and by their various branches, and it will take time to digest the Report and to decide what particular recommendations they agree with and what they are opposed to It is often said—I do not know whether it has been said in this debate—that Europeans in this country are diehards and are not prepared to work with Indians to secure a more responsible constitution If that has been true at any time, it is not true today I can safely say, on behalf of the European interests, from such opinions as we have been able to gather up here from Calcutta, Madras and other places, that there is no diehard spirit today among the Europeans (Hear, hear) Our object is to assist India to get a constitution which is suitable and acceptable , and if any degree of unanimity can be reached at the Round Table Conference, to which our representatives will go you can rely on us to press those recommendations home with the authorities in England I see no reason why, in spite of the fact that many conferences have been held and have failed to reach any degree of unanimity, I see no reason why, having regard to the spirit which exists, we should not reach agreement on many many points when we get round the table , and the diehards in England, who have never been to India or perhaps only visited it many years ago are not going to dictate to India, provided we can all come to a reasonable solution of the various problems

Sir, many points have been touched on in this debate with reference to the Commission's recommendations, and I have already said that I do not wish to enter into them , but those who consider that the Report is not worthy of being read and that it should not even be taken to the Round Table Conference are, I think, being unjust to the Commission

5 P M

It is perfectly true that the Commission consisted of seven British gentlemen. It is also perfectly true that they had not a lifelong knowledge of India, which gentlemen in this

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House have But the fact remains that they made a very exhaustive study of the constitutions in the other Dominions and of the conditions prevailing in India today, and I think that when their recommendations are carefully examined, it will be found that many of them are probably the most useful which can be obtained It is all very well to condemn the recommendations which appear in the Report It is quite another matter to substitute others which are more satisfactory and which are more likely to meet with general acceptance I should like to join with those Honourable Members of this House who have spoken today in expressing the hope that it will still be possible, although the time is very short, to get the representatives of the Congress to the Conference It has been suggested today that the initiative for this must come from the Government I think, Sir, that the first move must come from those who started the movement, and I hope Honourable Members who have spoken about the importance of the co-operation of the Congress leaders will try and get into touch with those who started and who are carrying on the non-co operation movement and the civil disobedience movement with a view to getting them to the Round Table Conference, because I feel quite sure that Government will not be able to resist any approach from them Nor do I think that Government will be able to resist any desire from responsible men to get into touch with the leaders of the Congress who are now in jail I trust therefore, that the Members of this House will use all their influence, in the short time that remains, to get into touch with the Congress representatives with a view to getting them to the Round Table Conference If the Congress representatives do not go to the Round Table Conference it will be said afterwards that the decisions which have been arrived at at the Conference will not be acceptable to Indians, because representatives of a large section of Indians were not present at the Conference I think it is very desirable that that should be avoided if possible I know the difficulties are very great, and it remains for those who have influence with the Congress Party to get into touch with them and to do their best to induce them to come to the Round Table Conference

Mr Adit Prasad Singh (Darbhanga *cum* Saran Non-Muhammadan) Sir, I beg to rise to press one point which is by far the novel point and which deserves the most serious consideration of this Honourable House Sir, in paragraph 296, at page 257 of Volume II of the Commissioners' Report they speak about new provincial taxes, among which that on agricultural incomes is conspicuous by its high figure Sir, the Honourable Members of this House are well aware that India is mostly an agricultural country The poor rayat population of India are already heavily burdened, or rather overburdened with so many taxes that they can hardly meet their requirements in spite of their hard struggle for bare existence and the necessities of life. Take the case of the zemindars and other landlords In almost every case they pay at a very high rate to the utmost capacity land revenue to Government It is so hard in their case that several old and ancient zemindaries have been sold for arrears of revenue Be he the poor rayat or the rich zemindar every one will be hard hit by this oppressive tax Moreover Sir, this will be quite contrary to and against the existing laws of the land This will be not only against engagements and declarations of Government at the

time of the Permanent Settlement, but against all the existing laws and Acts for imposing income tax from the year 1818 till 1930

There is another matter in the Report which seriously affects the zemindars There very meagre representation which the zemindars enjoyed under the Montford reforms is proposed to be taken away If the Honourable Members will be pleased to analyse the reasons given by the Commissioners for the abolition of the existing separate landholders' constituency, they will at once see the fallacy of the arguments advanced by the Commissioners in support of their views The Commissioners say that the landlords predominate in the Councils and Legislative Assembly, as they manage to get in through other constituencies, ignoring the fact that such landlords do not get in as landlords, but say as Swarajists or on other tickets abandoning the landlords' interests It would not be correct to say that they are the representatives of the zemindars Moreover as Honourable Members are aware every professional man or man of business owns some land and is called a zemindar, whereas his main interest is in something else It would not be fair to classify them as representatives of the zemindars, as the Commissioners have done

Sir, with these words, I, on behalf of agriculturists and landholders, condemn the Simon Commission's Report Therefore, with all the force at my command I hope this House will pay a very serious attention to this aspect of the question

Rai Sahib Harbilas Sarda (Ajmer-Merwara General) Sir, I rise to support the motion moved by my Honourable friend, Mian Mohammad Shah Nawaz, proposing a cut of Rs 100 in demand No 75 Though the policy and the general merits of the Round Table Conference are under discussion in this House, we have heard very little about the Round Table Conference itself, while we have heard a great deal about the Simon Commission Is this not a sure indication Sir, does it not clearly show, that the chief work before the Round Table Conference will be the consideration and the discussion of the Simon Commission's Report That Report, Sir, is a very vicious document It is a Report based partly on one-sided evidence which Government has laid before the Commission, and partly on the evidence produced before it by persons who have openly and clearly advocated their own sectional interest, but apart from all this, there are many recommendations in the Report which are not based on any evidence or any facts and thus reveal the Commission's reactionary designs To illustrate this latter—recommendations based on no evidence—I will give the House one instance While dealing with the Minor Administrations, the Commission, in the first Volume of their Report, say that Ajmer-Merwara is a Non-Regulation province, administered by a Chief Commissioner, but that the people of Ajmer-Merwara enjoy the privilege of electing a Member to the Central Legislature In the second Volume, containing their recommendations, the Commission, without proposing any political advance in the province say the administration should remain as it is that the Chief Commissioner should continue to administer the province, but they go further and recommend that the privilege enjoyed by the people of Ajmer-Merwara to elect a Member to the Legislative Assembly should be taken away from them and the Local Government should be empowered to nominate a Member to the Central Legislature Now, Sir no evidence has been produced before

[Rai Sahib Harbilas Sarda]

the Commission advocating this view Neither the Hindus nor the Muhammadans have asked for it The Commission have given no reasons whatever in support of their recommendations as to why the people of Ajmer-Merwara should be deprived of their right of representation by election, and why nomination should be substituted for election Sir, does this not clearly show the hostile attitude of the Commission towards India, her rights and her claims and does it not show the reactionary policy of the Commission ?

This Report, Sir, is an unmitigated evil except for one good suggestion—the enfranchisement of women It unfolds in reality a scheme of dark designs, the darkness of which is unrelieved by any ray of sympathy, goodwill or justice If the Simon Commission's Report is at all allowed to come for consideration before the Round Table Conference, what guarantee is there that the dominant party in the Conference will not make the misleading case, presented by it, the basis of their recommendations for the future constitution of this country ?

The Report, Sir, should be banned , it should be thrown on to the scrap heap.

A learned and Honourable colleague of mine on these Benches declared yesterday that he was not afraid to go before the Conference and put his case before an impartial tribunal An eminent advocate that he is, convinced of the justice of his case as he is, he is prepared to go and put his case before any impartial tribunal But is he satisfied that the conditions which he envisages to exist do actually exist ? Is there any impartial and disinterested tribunal which will judge his case ? Is he quite sure that the tribunal before which he will put his case, prejudiced as it must be by the Report submitted by a Commission containing people representing all the parties in Parliament and some of whom are members of the present British Cabinet,—that they will be so disinterested as not to be influenced by the misleading facts that have been placed before the public in that Report ? And, then, is he quite sure that that tribunal is disinterested ? The first qualification of an impartial judge is that he has no interest whatever in the case that is before him Is he quite sure that that tribunal, which is the custodian of the interests of Britain, is merely a disinterested observer of events in India, and is not interested at all whether the domination of a foreign power over this country is maintained or loosened, whether the power which the constituents of that tribunal have over the resources of this country is retained by those constituents or given up by them ? Sir, it is no use talking of impartiality and disinterestedness It is time that this camouflage about impartiality about the white man's burden about disinterested service rendered by Englishmen to India was given up

Sir, some people lay the unction to their disturbed souls, hoping against hope, that the Simon Commission's Report will be only one item amongst several other items before the Conference Deluded are they who think so What guarantee is there that the party whose interests lie that way will not base its decision on that one item ? Can you prevent a judge from basing his decision on any piece of revelant evidence which is placed before him ? It is therefore absolutely hopeless to expect

fair play before any tribunal when the opposite party holds loaded dice in its hands The dice are loaded in their favour by this Report and fair play can not be expected Therefore, this Simon Commission's Report must be thrown on to the scrap heap It should in fact be buried deep on the English shore, a cable's length from the sea It is only then that you can expect to have fair play in the Round Table Conference

Sir, I am not against going to the Round Table Conference at all I am not against meeting any opponents or others anywhere But when we do meet and have a game, let there be a fair game If this be secured, I would have no objection to going to the Conference, I would not only advocate going to the Round Table Conference, but I would, speaking for myself, vote not only the amount which is claimed in Demands Nos 75 and 85, but would gladly vote four times that amount, if I could be sure that there would be fair play in that Conference and that all those who do really represent the people and the interests of this country will participate in that Conference

Pandit Chuni Lal (Jullundur Division Non-Muhammadan) Sir, I will oppose this cut and support the original motion for the grant with the following remark, that the vote of this House should not be pressed to a division on this cut If we vote in favour of the cut and carry the motion, it means that we are not in favour of the Simon Commission's Report But that is not the case The Honourable the Mover of this cut motion, I mean Mian Mohammad Shah Nawaz, has said that it does secure an advance on the present state of the constitution in India, and many other Honourable Members are also of the same opinion Again, if we reject this motion of my Honourable friend, that means that we endorse the Simon Commission's Report, which again is not the case, I suppose, because nobody wishes that it should be the guiding principle of our constitutional destiny I beg to submit that it will place us in a wrong position altogether I therefore submit to the House that we should not go to a division on this motion

The other question which I wanted to place before the House is this Directly or indirectly, this motion means, if it is carried that we stand for the boycott of the Round Table Conference

Mian Mohammad Shah Nawaz Nothing of the kind, if you will read my motion

Pandit Chuni Lal :

' This is required for expenditure in India in connection with the Round Table Conference to be held in London in October next for the purpose of considering the forthcoming general constitutional revision ''

The Demand states that the amount is required for the expenses that are to be incurred in connection with the Round Table Conference If this cut motion is carried, it will mean that we stand for the boycott of the Round Table Conference My submission is that that is not the view that I have been able to gather from the various speeches that have been made in this House by so many Honourable Members since yesterday I therefore say that this motion should not be supported

Mian Mohammad Shah Nawaz . How do you say that my motion will have that effect ?

Pandit Chuni Lal . Because the Demand is directly connected with the expenses that are to be incurred in connection with the Round Table Conference that is coming off It has got nothing to do directly with the Simon Commission's Report or the recommendations made in that Report On the other hand, it has everything to do with the expenses that are to be incurred in connection with the Conference It has got two portions , one portion to be spent in India, and the other portion in London I therefore submit that it will not be to the credit of this House if we pass this vote of censure against the Government by voting for this cut, and at the same time say that we are in favour of the Round Table Conference

Now, Sir, I come to the subject matter of the present discussion So far as that point is concerned, my submission is that the idea of holding a Round Table Conference is no doubt an unique triumph of this Honourable House It was in 1924, as was remarked by Mr M K Acharya, that this demand was unanimously made by all the elected Members of this House, and the appointment of the Round Table Conference is a success and a triumph for this House Whatever detractors on both sides may say, it is, of course, a great opportunity I say, Sir, with all the force that I can command, that we should not lose this opportunity, because, if we lose this opportunity and boycott, or do not take advantage of this Round Table Conference, we will be told that we were judged and found wanting If the opportunity is lost, I do not mean to say that we will be hopelessly lost for ever, but it will mean another period of trial and suffering for the country True statesmanship lies in taking hold of the psychological moment, and that is the reason why, in my opinion, we must take advantage of this and do our best for the betterment of the country The Round Table Conference will mean that the leaders of both the nations will have to sit together round a table—whether it is round or otherwise—and put their shoulders to the wheel in order to make constitutional progress that is acceptable to this country possible Now, Sir, knowing what are the duties of the elected Members of this House, I also say that the Government have got a very clear duty to perform They must know that the movement that is going on in the country at the present day is not a temporary phase This movement, I would submit, is an expression of a deep malady, a malady which is the outcome of economic and social unrest My submission is that the Round Table Conference that is going to be held will not be a success, it will not serve the purpose for which it is meant if it is not representative The best of India —I mean the greatest son of India, Mahatma Gandhi—with all his followers both men and women, is behind the prison walls With about 20 000 of them in jail, we cannot talk of negotiations for peace I therefore wish to join hands with the Honourable Mr Sen, when he appealed strongly to the Government to find out some way of reconciliation with the Congress leaders I read from the papers that a section of the Congress are thinking of revising their old policy If we can get a genuine gesture for these Congress people from the Government then I am confident that the people will take up that gesture and then we can very well ignore the revolutionary portion of the Congress If that can be possible, then of course we shall be successful in arriving at a settlement which will give us peace, so that India and England may go on together for some time at least Otherwise the Round Table Conference will be a mere formal ceremony

Now, Sir, if we are in favour of going to the Round Table Conference, we should not carry this cut In that view there is no reason to oppose this Demand of Rs 2,66,000 On the contrary we must oppose this cut which has been moved by the Honourable Mr. Shah Nawaz. Almost all the parties in the House have supported the idea of going to the Round Table Conference Some of them have been saying that they are very anxious to go to the Round Table Conference Therefore it does not stand to reason that we should oppose this Demand, which represents the sum which is meant for the expenses of the Round Table Conference, which they are all very anxious to join.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 12th July, 1930

LEGISLATIVE ASSEMBLY DEBATES

SATURDAY, 12th JULY, 1930

Vol. IV—No. 5

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1930

LEGISLATIVE ASSEMBLY.

Saturday, 12th July, 1930

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr President in the Chair

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ELECTION OF THE DEPUTY PRESIDENT

MESSAGE FROM HIS EXCELLENCY THE VICEROY AND GOVERNOR GENERAL

Mr President : I have received the following Message from His Excellency the Governor General

(The Message was received by the Assembly standing.)

" In pursuance of the provisions of sub-section (2) of section 63C of the Government of India Act, I, Edward Frederick Lindley, Baron Irwin, hereby signify that I approve the election by the Legislative Assembly of Sir Hari Singh Gour as Deputy President of the said Assembly " (*Cheers*)

SIMLA,
The 11th July, 1930

(Sd) IRWIN,
Viceroy and Governor General "

ELECTION OF MEMBERS TO THE GOVERNING BODY OF THE INDIAN RESEARCH FUND ASSOCIATION

Sir Frank Noyce (Secretary, Department of Education, Health and Lands) Sir, I move that this House do proceed to elect, in such manner as the Honourable the President may direct, two Members to sit on the Governing Body of the Indian Research Fund Association in place of Sir Purshotamdas Thakurdas and Dr Moonje, who have ceased to be Members of this House

Sir, a few words of explanation are I think due to the House in support of a Resolution which, at first sight, may seem unnecessary as the tenure of the two Members of the House who are to be elected to sit on the Governing Body of the Indian Research Fund Association will in the nature of things be very short As the House will doubtless remember, in February last, in the course of the debate on a Resolution moved by the Honourable the Leader of the Opposition, I gave an undertaking that the Government would not proceed further with the scheme for the location of the Central Medical Research Institute at Dehra Dun until they were in receipt of the views of a conference consisting of representatives of the Medical Faculties of the different Universities, the Director General of the Indian Medical Service, the Public Health Commissioner with the Government of India, the Director

[Sir Frank Noyce.]

of the Central Research Institute, Kasauli, a representative of the All-India Medical Association, and two Members of this House and one Member of the Council of State That conference has been fixed for the 21st of this month It has not been possible to hold it earlier for two reasons, partly because the material to be presented to it was not complete, but mainly because Major-General Graham, the Public Health Commissioner, and Colonel Christophers, the Director of the Central Research Institute, Kasauli, have been in Europe Colonel Christophers only returned a few days ago, and General Graham reached India yesterday It appeared to Government that the obvious representatives of this House were the two Members it had elected to the Governing Body of the Indian Research Fund Association, which is very closely interested in this matter Unfortunately both of them have resigned and, in these circumstances, it is necessary to fill their places in order that this House may be suitably represented at the conference which is to meet on the 21st Sir, I move

The motion was adopted

Mr. President : I may inform Honourable Members that for the purpose of election of members to fill the vacancies caused by the resignation of Sir Purshotamdas Thakurdas and Dr Moonje on the Governing Body of the Indian Research Fund Association the Assembly Office will be open to receive nominations up to 12 Noon on Monday, the 14th July, 1930, and that the election, if necessary, will take place in this Chamber on Tuesday the 15th July, 1930 The election will be held in accordance with the principle of proportional representation by means of the single transferable vote

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DEMANDS FOR SUPPLEMENTARY GRANTS—*concld*

MISCELLANEOUS—*concld*

Inadequate and Unsatisfactory Suggestions and Recommendations of the Indian Statutory Commission

Mr. President : The House will now resume the discussion on the cut moved by Mr Shah Nawaz to the motion of the Honourable Sir George Schuster

Mr. K C. Neogy (Dacca Division : Non-Muhammadan Rural) Sir, I think my Honourable friend, Mr Farookhi, did right in trying to focus the attention of this House on the great desirability of securing a proper atmosphere for the holding of this Conference in London I was rather distressed to note His Excellency the Viceroy's observation, when he addressed this House last, to the effect that Government were determined to prosecute their fight against the civil disobedience movement I have no quarrel with Government in their desire to uphold law and order. Indeed my very presence here to-day ought to signify that I have nothing in common with the civil disobedience movement (Hear, hear) ; but what I maintain is that if the Government must fight, it must be a clean

fight and I am here to-day, Sir, to tell this House from my own experience that the fight has been anything but clean so far as my experience goes I was rather interested to hear the Honourable the Home Member while he made an interruption during the speech of my Honourable friend, Sir Cowasjee Jehangir yesterday He said, with perfect naivete, that he did not know that innocent persons had been assaulted

The Honourable Mr. H. G Haig (Home Member) That is not what I said, Sir

An Honourable Member He said that he did not know that innocent persons had been deliberately assaulted

Mr K C Neogy : The Honourable the Home Member inquired as to whether innocent persons had been deliberately assaulted Sir, I am here to tell him that every word of the accusation that fell from my Honourable friend, Sir Cowasjee Jehangir, on this point is true, and that what is happening in Bombay is happening almost all over India Either the Honourable Member chooses to keep his eyes shut, or he is incompetent to hold his present office Sir, from my own experience I have found that it is nothing but the spirit of General Dyer, nothing but the spirit that prompted the Jallianwala Bagh, that is stalking this land Jallianwala Baghs are being enacted every day all over India , and if the Honourable the Home Member pretends ignorance about it, all I can say is that he is not fit to discharge the obligations of his office and that I do not consider that he is loyal to His Excellency the Viceroy, because I have no doubt about the sincerity of His Excellency in his desire to promote an atmosphere of peace and goodwill in this land so that this Conference may come to useful conclusions

Sir, what I have seen with my own eyes in Bengal enables me to bear testimony to the reign of terror that has been instituted during the Haig-Emerson regime I do not know whether the Honourable the Home Member cares to read all that appears in the newspapers But the reports that have appeared from time to time in the various newspapers particularly of Bengal, contain enough evidence of what I am alleging here The Government, however instead of taking the straightforward course of prosecuting any of these newspapers for any alleged misrepresentation of facts, have promulgated the Press Ordinance in order to gag the Press I will not draw the attention of the Honourable the Home Member to the reports that have appeared from time to time in the daily newspapers of Bengal or in the periodical Press, but I should like to know if his attention has been drawn to the pictures that have appeared in these papers Sir, men may lie, even Government officials may lie, but I do not think the camera lies Here is a photo of a ten year old boy beaten senseless by the District Magistrate with his hunting crop He is lying in the laps of three ladies This appeared in a leading periodical on the 1st of May Has any action been taken against this publication ? Has the District Magistrate of Midnapore sued the editor for damages ? Have the Government taken any notice of it ? Will it merely do for the Honourable the Home Member to get up in this House and say that all that appears in the Press is false ? That is hardly sufficient , things have gone too far now

Sir, I will now come to another story When these allegations about the excesses of the police began to reach us in Calcutta, we held a conference of a number of responsible men, because at the present

[Mr. K C Neogy]

moment it is not possible to hold a public meeting in Calcutta, thanks to the promulgation of section 144 of the Criminal Procedure Code The conference decided to appoint a non-official committee of inquiry to go about and see things for themselves and make a report The Chairman of this Committee was Mr J N Basu, M L C, President of the Indian Association, which is the leading liberal body in Bengal I am very pleased to find the Honourable the Law Member in his seat to-day, because I want him to tell this House as to whether the testimony of Mr Basu can be relied upon I understand that Mr Basu has been selected as one of the members of the Indian delegation to the Round Table Conference It may or may not be true, but I do not think the Honourable the Law Member would question his competency to represent India at that place Mr J N Basu was the Chairman of this Committee, and the names of the other members are as follows

Mr Akhil Chandra Datta, Senior Advocate, who was in the Bengal Legislative Council for many years He sat there even during the Morley-Minto days Mr B N Sasmal, Barrister, an *ex*-M L C Mr P Banerji a present Member of the Legislative Council who fought the Congress and defeated the Congress candidate Dr J N Maitra, another *ex*-M L C, who is a very eminent physician of Calcutta Then there was myself and a Professor, Mr P R Sen of the Calcutta University, who has so far taken no part in politics, myself and Professor Sen being the Secretaries of this Committee The first place we went down to was Contai, wherefrom most of these reports had been coming Now, what happened the very first morning when we went out to visit certain localities from which we had received certain definite allegations ? The first thing that happened to us was that we got arrested, all of us, including Mr Basu (*Cries of* "Shame, shame" from Non-Official Benches) Will the Honourable Members bear with me when I give the circumstances of the arrest from the report of this Committee and may I pause and tell this House as to how effectively the present Government policy has been operating in Bengal We have found it impossible to get this report, unanimously signed as it is, published in any newspaper, except in a garbled form, because every little thing that has a bearing on incidents of a certain kind and which is to appear in the Press has got to be submitted, first of all to an officer whose name I find it difficult to pronounce I am told he has been appointed as a sort of Press censor And what is more remarkable is that there is not a single printing press in Calcutta which is prepared to undertake the printing of this report This is the letter which I received from the Joint Secretary It is dated the 7th July He says :

"I have been unable up till now to find a press which is prepared to undertake the printing of it"

This is the position The main purpose why I came here this time was that I wanted to find some place somewhere where I could put the findings of this Committee on record Sir, now to resume my story At about 7-30 A M on the 25th May, 1930, the visiting members left for a place called Pichaboni which was at a distance of about 6 miles from Contai and which was one of the localities in connection with which complaints had been made When they were nearing Pichaboni, several villagers came up to the cars in which the visiting members were travelling and requested them to stop Many of the villagers, who appeared to be in a state of

panic, complained that some officials and policemen had visited their houses that morning, a short time previously, and had beat them with *lathis* and had destroyed a great part of their belongings at their houses Some of the men showed fresh marks of assault on their bodies With a view to ascertain the truth of the statements about destruction of property, the members decided to visit the house of some of the complainants. They crossed some fields on foot and went to Subarnadighi which was the village nearest to the point where their cars had stopped They saw at a distance some officials and some policemen passing near the village with *lathis* and guns The visiting members went into the hut of Bhima Charan Samanta, where they found very recent signs of a raid Most of the domestic articles were scattered about and many were broken Parched rice and ghee were found scattered on the ground Some gunny bags containing seed grain and other grains had been torn open and a large part of the grain had been scattered about the courtyard They were told that policemen had entered the house that morning, and though there was no resistance or opposition of any kind from the inmates of the house, the policemen had without any cause destroyed the belongings which mean so much to a villager (*Cries of* "Shame, shame", from Non-Official Benches)

"While the members were thus engaged in inspecting the nature and the extent of the devastation inside the hut, an official entered it followed by police constables, who had guns and hatchets"

Mark these words I do not know whether the Honourable the Home Member has laid down any regulations for the police to carry hatchets as arms This official asked them as to what they were doing there He was told that the members had come from Calcutta to make an inquiry to ascertain the proof of complaints made in connection with certain happenings at Contai, and they were inspecting the house to ascertain the truth about the complaint regarding loss of and damage to property The official who was the Sub-Divisional Officer, stated that the members were inciting the people He was told that his statement was not correct and that the visiting members were only ascertaining the facts To cut the long story short, we were arrested and taken to the police camp Then on our way we found a large crowd near the police camp who had gathered to manufacture salt The Sub-Divisional Officer stated You have been inciting these people We said that we had nothing in common with them and that we did not believe in that sort of thing. So we continued there under arrest for some time Then after a time we were released We said that we were going to tell those people that if they continued manufacturing salt in this way, our inquiry would be hampered, and we would try our best to induce them to go back to their villages so that we might carry on the inquiry in a peaceful and judicial atmosphere Now, what did we see when we met these people? Some people came up to our cars and showed marks on their bodies of hurt inflicted by the police, which, they stated, had been inflicted without provocation Some of the wounds were fresh and looked as if the same had been inflicted within a short time One man, who was unable to move and appeared to have been severely beaten, was carried on the shoulders of the persons An aged man said that he had been assaulted that morning by the police without provocation while he was following the Sub-Divisional Officer and the members of this Committee at a distance, as we were being marched to

[Mr. K. C Neogy.]

the police camp This man's fault was that he was following us and he had been assaulted almost in our very presence

"They found Indra Jana's wounds fresh and his cloth had fresh stains of blood An elderly woman named Surja also showed her arm which had been severely injured causing bleeding and swelling"

We saw all these things as we were coming back to the village from which we were arrested The Report proceeds

"Then they re entered that village and went to the house of Mahendra Nath Samanta and made notes of the damage which they saw there and which was said to have been done by the police that morning The Members found that a large number of earthenware vessels in the house had been broken, some books,"

—perhaps those primary text books belonged to some children of the house,—

"some books and papers had been scattered about in the verandah and in the courtyard, a part of the thatch of the roof with the framework had been pulled down Some paddy bags had been cut open and part of the contents had been strewn about and some pumpkins smashed The members next visited the house close by where they found a girl about 18 years old in an advanced stage of pregnancy Her name was Ambu She was lying down on the verandah apparently still suffering from shock and pain She was breathing with difficulty Her eyes were closed with tears trickling She made her statement with some difficulty She complained of her breast being twisted and of her being kicked on the hip" (Shame)

Now, Sir, all this happened in the presence of the Sub-Divisional Officer The Committee in another place go on to refer to this particular case and say .

"At Subarnadighi, the girl in an advanced stage of pregnancy was found to be breathing with difficulty, tears trickling down from her eyes, and she bore marks of molestation on her person It is surprising that a case like this should have happened with a Magistrate accompanying the police party The girl was not physically capable of creating such troubles as might lead to her being assaulted She had also no time to concoct a story as the Members arrived at her house soon after the police left her house"

The Honourable Mr. H. G Haig : Is the Honourable Member aware of the communiqué issued by the Government of Bengal on 2nd June, referring to the allegations of assaults on women in Contai, which contains these words

"Government have caused enquiries to be made and are satisfied that these statements are false and calculated misrepresentations of the facts"

An Honourable Member : It is a lie

Mr. K. C. Neogy : It is a deliberate lie. I want an opportunity to publish my facts and my Honourable friend might prosecute me for that if he has the courage to do so We are familiar with such communiqués emanating from that manufactory of lies known as the Bengal Secretariat.

Mr Gaya Prasad Singh (Muzaffarpur *cum* Champaran · Non-Muhammadan) Nobody believes that communiqué , certainly not we

Mr. M. R. Jayakar (Bombay City Non-Muhammadan Urban) Is the Honourable Member in a position to state through whose agency the Bengal Government made these enquiries ?

The Honourable Mr. H. G. Haig : I have no information other than the Government communiqué

Mr. Gaya Prasad Singh : Is that all ?

An Honourable Member : That is absolutely useless

Mr. K. C. Neogy : I will not dwell on this part of the story any further Now, Sir, when we were recording the statement of this girl, some officials again came up and took us away saying that the Sub-Divisional Officer wanted us Thus we were prevented from continuing our enquiry in the way that we wanted and we told the Sub-Divisional Officer so I read from the report

" The Members told him that they were being prevented from continuing the local enquiry in the village in the neighbourhood, but the Sub Divisional Officer pressed them to accompany him to Contai which they did The villagers were willing to place evidence before the members But the local officers were reluctant that the visiting members should see more than what they had seen or hear more than what they had heard "

The Committee proceed

" A local enquiry at that stage would have been of great help in ascertaining facts, as the assaults and raids were said to have been committed within the previous hour or thereabout and there would have been no difficulty in ascertaining the nature and extent of the injury said to have been inflicted on the villagers The Committee were surprised that anxiety should have been shown by the local officials for stopping a careful enquiry at a time when the events had only recently happened The presence of the visiting members led for the time being to the discontinuance of manufacture of salt There was no ground for the unfounded statement of the Sub-Divisional Officer that the visiting members were inciting the men of the locality They recorded statements, observed wounds and inspected damage to the property They assisted in dispersing a gathering of people, in order that the enquiry might proceed in a calm and judicial atmosphere They acted with forbearance when obstructed by local officials But though the local officials found that the presence and attitude of the visiting members led to the atmosphere becoming peaceful, with the absence of all incitement to violence, yet they tried to stifle the enquiry in the locality where evidence tendered by the villagers against the local officials and the police was fresh and the physical signs had not been obliterated "

Now, Sir, the Committee examined a large number of witnesses, including women and as a result of the examination of the female witnesses, this is what they have recorded

" Seven female witnesses were examined, some of whom still bore marks of injury on their persons "

—This was in one particular place called Kholakhali—

" All of them complained of severe assault by canes, fists and kicks They also said that the clothes of some of them had been torn off their bodies and they produced some such clothes A middle aged widow Kurani Dasi stated that she had been so roughly handled and pulled about that she had fainted "

Now, Sir, coming to another incident in that particular sub-division

" On 7th June, 1930, some of the members of the Committee visited Pratapdighi village."

—Here shooting had taken place a few days previous to this,—

" within the jurisdiction of the Patashpur Thana and examined 37 witnesses At this place shooting by the police had taken place on the 1st of June, 1930, resulting in the death of two persons The father of one of the two persons killed was examined by the members. A number of villagers showed marks of injury on their persons, some of them had as many as twenty or twenty-two cane marks on their backs, arms, trunk and even faces Besides loss and destruction of household articles, grain and foodstuff, there were several complaints of loss of cash, one wealthy respectable villager complaining of loss of as much as Rs 1,307 About ten of the witnesses complained of loss of silver and gold ornaments. Almost all the witnesses stated that their houses

[Mr. K C Neogy]

were raided by the police and their utensils and other household articles were wantonly destroyed or damaged by the police At Kharika patna, a village near Pratapdighi, there is a local industry for making bangles from conchshells, the manufacture being carried on by women, some of whom deposed that a large quantity of such ornaments was destroyed in their houses The members examined carefully the locality where the shooting had been done on the 1st June, 1930 They found no brickbats or stone anywhere near about the place or in the village where the said shooting had taken place There is no brickbuilt house in the village at all ''

This conclusively shows that the Government communiqué, in which they say that the villagers had given provocation to the police by hurling brickbats at them, is false Now proceeds the Report

'' It will be seen that some members of the Committee visited altogether nine houses in connection with which complaints had been made that local officials and their subordinates including excise officials and peons had forcibly entered private houses and had assaulted the inmates without any provocation, and had damaged or destroyed the belongings of the villagers They also visited six sites where general assaults by the Police were said to have been committed Altogether 102 witnesses were examined of whom seventeen were women ''

Then, the Committee go on to classify the witnesses

'' (1) Villagers on whom physical injury was inflicted or whose property was injured or destroyed while they were in their own homes employed in their ordinary avocations and were not connected with the civil disobedience movement.

(2) Passersby who were assaulted on the public roads or in *hats*

(3) Persons who were attracted to the places where salt was being manufactured or was intended to be manufactured and who were assaulted

(4) Villagers who were engaged in the manufacture of salt or who desired to manufacture salt, and who were assaulted

(5) Volunteers or satyagrahis who intended to offer or offered civil disobedience and who were assaulted

(6) Persons who had visited the localities shortly after the incidents complained of had happened or had made enquiries themselves into the incidents ''

Then this Report says ·

'' The witnesses, both male and female, made their statements in a frank and straightforward manner So far as the statements of the witnesses at Subarnadighi are concerned, those persons had no time or opportunity to manufacture a story as the members arrived in the village very shortly after the occurrences ''

Then they go on to summarise the nature of the complaints under these heads

'' (*a*) Unprovoked assaults on the villagers ,

(*b*) Damage to and destruction or removal of property ,

(*c*) Threats and physical violence to extract promises and undertakings from the villagers ,

(*d*) Forcibly taking possession of buildings belonging to public bodies like schools ''

We found that the police had actually commandeered some of these buildings belonging to certain public schools and they were in possession, I do not know under what law Perhaps the Honourable the Home Member will enlighten us as to the law under which this is being done

'' (*e*) Provision of wholly inadequate accommodation in some of the places where men were kept in detention at Contai ,

(*f*) Detention without charge and without trial and sometimes without food ''

Now, Sir, in another part of the Report the Committee observe

"In some cases the assault was directed not only physically to hurt the person assaulted but to humiliate him in the eyes of others Some men were made to hold their ears and to stand up and sit down several times Some men were also made to rub their nose on the ground",

--things reminiscent of Amritsar under General Dyer

About damage to and destruction or removal of property, this is what the Committee say ·

"The police and excise officers have the right to make house searches under certain specific circumstances From what the visiting members saw with their own eyes, they found that in the cases in which the police and other officials had entered the houses of the villagers there was no circumstance which could lead to a house search If the entry into the houses was meant for the purposes of search, it was strange that such entry was not peaceful and was followed not by a lawful search, but by the destruction of property and beating of the inmates There appeared to be no justification for such violence and interference with elementary personal rights

The Committee do not see any justification for the breaking up of the pots and pans, the destruction of domestic stores and food stuffs, the smashing of vegetables and the scattering about of grain in the houses of the villagers They fail to see how the smashing of conch bangles, the making of which is a local industry, or the pulling down of thatch from the huts could have been of any use

There were also several complaints of loss of small cash"

"If the object" say the Committee, "was to terrorise the villagers, the method adopted could not and did not succeed"

Of course Government, as it is being carried on at the present moment, is Government by terrorism and nothing short of that

"As regards the shooting at Pratapdighi on the 1st of June, 1930, the police had prior to shooting raided some houses in three or four villages one after another and had damaged or destroyed property in those houses Having regard to the value the villagers set on their small belongings and the great labour they had to undergo to earn the same, it can be easily understood as to what exasperation they feel when they see that those belongings are wantonly destroyed or damaged or taken away The incident at Pratapdighi is unfortunate, but the acts of the police probably created a situation to meet which resort was had to shooting men who had no arms and had not even stone or brickbats to use as missiles It should be remembered that the villagers are ordinarily of a peaceful disposition"

This is how the Committee conclude their Report

"The villagers who mostly suffered from the oppression and who were examined by the visiting members of the Committee were not guilty of any violence Some of them were engaged in the manufacture of salt, but they did not offer any violence and were prepared to suffer the consequences of their action The local officials appeared to forget what law was and what their duty was under the law They suffered acts to be done which were in breach of law and of the elementary rights of individuals The conduct of the local officials has led to widespread embitterment of feeling"

Sir, when I went down to Contai, the first thing that struck me was that if the people had broken the salt laws, the authorities had broken all the other laws, including the laws of morality And His Excellency the Viceroy says that they must fight the movement Fight with such weapons! Sir, His Excellency said that if there is a fire the fire-brigade when it is called in to extinguish the fire may cause some damage We unfortunately find it very difficult in Bengal to distinguish between the incendiary and the fire-brigade

Sir, if I have spoken strongly, I apologise to this House because having seen what I have seen with my own eyes, it was impossible for me to control my feelings, and the only excuse for my intervention

[Mr. K. C. Neogy]

in this debate is that I wanted some place, as I said before, where I could put on record what I have seen with my own eyes, which Government by their policy have prevented so far from being published for the edification of the world

Mr. H P. Mody (Bombay Millowners' Association Indian Commerce) Sir, it is a pity that the Report of the Simon Commission should have come up before us for discussion by a side door If a clear-cut issue had been placed before the House, the vote of the House would have decisively reflected the feeling roused throughout the country by the publication of this document. Some two years ago when the question of boycotting the Simon Commission was before the Assembly, there was a large section which was willing to give the Commission a trial and to utilise it in the best possible way I want to know whether there is to-day a single Member in this House, or for the matter of that, in the other House among the elder statesmen, who is prepared to stand by the Report Sir, I regard the Simon Report as in one way or another responsible for most of our difficulties It was foisted upon us through the insolence of Lord Birkenhead, whose tenure of office was distinguished by nothing so much as a studied contempt for every one's feelings and opinions but his own That superior person now comes forward with warnings and advice to His Excellency the Viceroy, and one can only advise His Lordship to confine himself to the counting house, and not seek to come back to the councils of the Empire

Mr B Das (Orissa Division Non-Muhammadan) Ignore him entirely

Mr H P Mody: He cannot be ignored, he must be attacked on all fronts

Sir, if the country is not seething with trouble from end to end today, it is largely because of the personality of the Viceroy, and of the confidence he has inspired in his statesmanship and sincerity If today there are large and important sections of the people willing to grasp the hand of friendship which he has held out, and to utilise the instrument which he has forged, it is, I repeat, largely because of the Viceroy Now, Sir, I do not propose to discuss either the principles or the details of the recommendations of the Simon Report But there are one or two considerations arising from the Report on which I should like to dwell as briefly as possible Before the Commission entered upon its duties, Sir John Simon thought fit to write a letter to His Excellency the Viceroy suggesting the method of a joint free conference, and among other things, he said

"Above all, I would urge that one of the merits of the method of joint free conference is that besides securing due recognition of equal status, it provides an opportunity for that free exchange of views and mutual opinion which are best calculated to promote the largest measure of agreement that is possible"

In view of the fact that the Report of the Indian Central Committee is hardly referred to in the Report of the Commission, and the two Reports are diametrically opposed to each other, and also the known fact that there was nothing in the nature of joint consultations at the crucial stage when conclusions were reached, I wonder what value is to be attached to this statement We have heard a good deal of the value of the clash of mind

upon mind So far as the Indian Central Committee and the Simon Commission are concerned, the clash of mind upon mind seems to have produced very few sparks .

Mr M. A Jinnah (Bombay City Muhammadan Urban) It" did not take place at all.

Mr H P Mody My leader says that it did not take place at all ; I do not know how that is, but if it did, even to a limited extent, it seems to have produced precious little result

Sir Hari Singh Gour (Central Provinces Hindi Divisions . Non-Muhammadan) I can inform the Honourable Member that it never took place

Mr H P. Mody : Then I would like to ask the Honourable Member why he continued to be a Member of the Central Committee

Sir Hari Singh Gour ' It was too late to withdraw and we published our Report eight months before the Simon Commission published their Report so as to influence their judgment

Mr H P Mody Sir, I am afraid I cannot follow my Honourable friend, Sir Hari Singh Gour

Dr A Suhrawardy (Burdwan and Presidency Divisions Muhammadan Rural) Nobody can follow him

Mr H P Mody We can only make the attempt ! All that I want to say is, whether the Report was published eight months or a year before the other Report, the fact remains that a joint free conference was promised and that joint conference was not forthcoming at the crucial stage, and still my Honourable friend says that he thought it right to continue on that Committee

There is another general consideration arising out of this Report on which I would like to dwell At the very end of the Report the Commission say that they have not altered a single line of their Report, and that they have been absolutely unaffected by the events of the last few months. I do not know whether the Commission intend to claim something wonderful for themselves by this air of detachment, much as if, like Manu and the ancient law givers, they were concerned only with the eternal verities, and fixed their gaze with unclouded vision upon the future This air of detachment ill suits the Commission What after all, Sir, is not this Round Table Conference the outcome, if not of the fact that the country was roused in a manner it had never been roused before of the way in which the Parliamentary Commission had been foisted on the country ? His Excellency the Viceroy did not sit on such a high perch as the Commission , he saw the realities of the situation, and he thought it necessary to hold out the hand of friendship in the way in which he did , and yet here is the Commission coming forward and saying that not a single word of their Report was altered by the fact that India was passing through a very grave crisis.

Mr B Das : But the fact remains that Sir John Simon was lying, as he referred to the speech of the Maharaja of Bikanir

Mr. H P Mody : I am somewhat afraid of discussing Indian Princes and the like I would rather confine myself to ordinary people

Mr. B Das : I am only pointing out the lie of Sir John Simon when he referred to the Maharaja of Bikanir's speech in the Simon Report, while

[Mr. B. Das.]

he was saying that he did not refer to the Indian situation after November last

Mr H P Mody : I am not concerned with these things I was going to say that, beyond these two general considerations which arise out of the Report I have not the slightest desire to waste any time over the findings of the Simon Commission (Hear, hear.)

And now, Sir, I would like to say a few words with regard to the Round Table Conference An appeal has been made by most of the previous speakers for conciliation I heartily endorse that appeal , and I am sure that the Government of India realise that it is not enough that an agreed solution should be reached at the Round Table Conference , it is even more important that whatever solution is reached should carry with it the willing assent of large and powerful sections in this country From that point of view, Sir, I am sure that the Government of India realise as fully as we do the value of a conciliatory gesture at the present moment I would like to make this point a little more plain, and I wish not to be misunderstood in that connection I do not want the Government of India, now that they feel sure of the support for the idea of the Round Table Conference on the part of prominent leaders of the people, to give up the attempt of conciliating the Congress and other elements as either futile or hopeless I want them to realise that the inclusion of the Congress will certainly give the Round Table Conference a representative character and will ensure for the decisions of the Conference that calm and dispassionate judgment and willing assent which are essential if peace is to be restored

But, Sir, if we make an appeal to Government, the appeal must be made with even more earnestness to our people When there are two sides inspired by the conviction that right and reason are on their side, it is essential that the appeal should go out to both people Sir, apart from the political unrest, I would like to tell this House that a very grave situation confronts the country , that trade and industry have been completely paralysed, and unless something happens in the next few months, a very grave economic disaster threatens the country That disaster is not merely going to inflict hardship upon millions of people that is only one aspect of it I would like the Government and the people to realise that, apart from that aspect, important as it is, there is also this consideration, that such a state of things would constitute one of the chief obstacles in the path of self-government In that view of the case a very grave responsibility rests on the shoulders both of the Government and the leaders of the people, and if they do not realise it sufficiently or in time, I say that the clock of progress will be set back in a manner which we do not seem to appreciate at the present moment

There is just one more consideration, and it is this that apart from the value of conciliation at this juncture, apart from the importance of taking to the Round Table Conference all the elements that count in the political progress of this country, it has to be remembered that the success of the Conference will depend not merely upon the unity of those who are asked to go to that Conference, but also in a large measure upon the attitude which the Government of India adopt towards the proposals that will be placed before the Conference I want the Government of India to put themselves forward as the strongest allies and supporters of the progressive elements in that Conference I want the Government of India

to lend their fullest support to whatever demands may be agreed upon between the representatives of India We have heard a great deal ..

Mr President I would like the Honourable Member to close his remarks within two minutes

Mr H P Mody : I will, Sir , in fact I was going to do so. We have heard a good deal in the last few days of the fact that the Simon Commission's Report is going to form only one of the many documents which will be considered by the Round Table Conference Let us be under no delusion on the subject So far as we the representatives of the people are concerned, it may be so , but so far as the opponents of our demands are concerned, the Simon Report is going to be the most important material in their hands , and I say that the Government of India will render a service, the magnitude of which it is difficult to over-estimate, if they put themselves forward as a national government of India, and support the progressive elements in this country Sir, a situation has been created in this country which places only two alternatives before us either India continues to remain a willing partner of the British Commonwealth of Nations, or she goes out of the Empire On the attitude which the Government of India and the Government of Great Britain adopt towards our demands will rest very largely the question whether India will continue as a willing partner, or whether some day or other she may decide to go out of the British Commonwealth of Nations (Hear, hear)

Mr M R Jayakar Sir, I was waiting to hear a prominent Member from the Government Benches speak, and I thought it would be fitting to rise after he had spoken, but apparently there is no desire on the part of my Honourable friends opposite to interpose in this debate at this stage, and I thought I would not wait any longer Sir, I am speaking as an isolated remnant of a large body of influential people on this side who have thought it proper to go away from us But, Sir, some of us who belonged to that body, I mean my friends behind me and my Congress friends to my left, have thought it necessary to remain here in order that we might have our say from our seats in this House rather than from outside When I came into the Legislature six years ago, I conceived my duty to be that of a watch dog I knew well that the Legislatures as constituted at present would be full of disappointments, disillusionments, humiliation and provocation, which a watch-dog cannot afford to be affected by In that belief I have continued, and if today this House finds me here with some of my friends on these Benches, it is not because I am enamoured of the atmosphere of the Assembly or that I love my life here or am pleased with the results we have achieved here The resentment which some of my friends who have gone away felt at the provoking behaviour of Government when the Cotton Tariff Bill was passed in this House in the last Delhi Session, in spite of all warnings, is none the less great in our case We have, however, allowed ourselves to remain here, because a watch-dog cannot desert his place in resentment, especially when other watch-dogs have gone away In that belief, we have come to attend the Session of this House, and we shall sing our swan song, if I may say so, before we go away I see a good sign, Sir, of which there is an indication in this morning's papers, that our Congress friends are seeing the error of their decision to desert the Legislatures and are very wisely reconsidering their position (Hear, hear.) I am glad that they are thinking of capturing the next elections. Today's *Pioneer*, Sir, which reached us this morning, reports as follows,

[Mr. M. R. Jayakar.]

and with your permission I shall read for the benefit of my friends opposite this most interesting news which the *Pioneer* publishes

"Mr Vallabhbhai Patel", the present Congress President, says "that he had expressed his frank opinion that the boycott of the elections by the Congress would be a tactical error if only for the reason that Congress abstention would mean that the Legislature would lack in effective opposition and instead be filled with political non entities, with the result that Government would be able to do much as they pleased, and yet say that they were ruling with the assistance of the representatives of political India"

If this report is correct, then I am glad, Sir, that no less an authority than Mr Vallabhbhai Patel has voiced the very gospel in which I have believed during the last six years, and I have to warn Government to beware and to prepare themselves for the grim fight they will have to carry on in the next Delhi Session when my Congress friends would be sitting on these Benches Sir, these are the few words that I wanted to say in order to justify and explain from this important platform my point of view Sir there is no other platform like this for the expression of public opinion That is my faith, and I have clung to it during the last three months through all the manifestation of public disfavour I will have my last say from this seat I thank my friends, Sir, who have enabled me to form a strong party of opposition and to occupy this seat of great distinction which Pandit Motilal Nehru occupied only a few months ago Sir from this seat I shall raise my voice

I am very glad Sir, that you have allowed this debate Whatever technical objections might have been raised, we now see the wisdom of your ruling in allowing this debate to take place It has brought to light a considerable amount of public sentiment I am very sorry that my nominated friend, Mr Sarma, should have characterised this debate as "mischievous" If I were a nominated Member, Sir, whatever I might do or not do, I would certainly be more cautious and modest in my utterances, knowing that I represented no popular constituency, and I do hope, Sir, that if Mr Sarma is nominated again to this House, he will practise the virtue of modesty and not pronounce opinions with unseemly vigour which even Members representing popular constituencies would be chary of doing

Sir, this debate has brought forward many points of view It has been very useful in laying before the Government Benches several important points of view Two issues emerge before us first is the Round Table Conference, and the second is the Simon Commission's Report The Simon Report, Sir, as I said in the speech which I made on the point of order two days ago, comes in only incidentally, and I propose to deal with it very briefly in order to make clear to Government, as it is my privilege to do a few points of view This is necessary because I understand that the Government of India are examining the Simon Commission's Report with very great care I am one of those, Sir, who boycotted the Simon Commission but I recognise that the Commission's Report is there It is an important document from the Government point of view, although it may not be so from ours It has got to be carefully examined by the Government of India, and I understand that it is being so examined. If I can sound a word of caution, Sir I will say, let the Government of India examine that document in the light of present conditions That document,

Sir, was written, as my friend Mr Mody rightly observed, without taking note of any of the conditions which exist today in the country With a certain amount of self-satisfaction, the Commission, at page 369 of their Report, observe

"In writing this Report we have made no allusion to the events of the last few months in India In fact, the whole of our principal recommendations were arrived at and unanimously agreed upon before these events occurred"

As my friend Mr Mody remarked, this is a detachment absolutely to be condemned, and why ? The Commissioners were reporters , I think I am right in describing Sir John Simon and his party as "reporters", and the duty of reporters is faithfully to report things as they exist at the date of their report He and his friends forgot their most primary duty, for the omission of which they strangely take credit for themselves, that they wrote this Report without taking note of recent conditions, the great intensity of feeling that has appeared in India during the last three or four months Sir, my views against the civil disobedience movement have already been placed before the public But may I point out to Government that the civil disobedience movement has generated in the country a great intensity of public feeling which will have to be recognised by a wise administrator In the city of Bombay to which I belong and my people have belonged for several generations, the miracle has taken place that aristocratic ladies not necessarily coming from agitating Hindu families, aristocratic ladies of wealthy, influential, and may I say without disrespect, very sane-minded families of Parsis, have taken part in leading processions (*An Honourable Member* "Where ?") Honourable friends must have read in the newspapers that a distinguished scion of a very wealthy and influential Parsi family in Bombay, who would ordinarily never get mixed up with frantic agitation —that lady was leading a big procession if the newspapers are to be believed

12 NOON

Mr M A Jinnah That has been contradicted It is absolutely incorrect

Mr M R Jayakar Then my learned friend must have other avenues of information which I have not

Mr M A Jinnah . It is contradicted by the Press itself and they have expressed their regret, and Lady Petit has written a letter to the *Times of India* denying that statement

Mr M R Jayakar : I am sorry I did not observe that However, my point is not affected by it It may be that since the arrival here of newspapers which I saw up to yesterday, this statement has been withdrawn

Mr. M. A Jinnah It takes two days to get papers from there.

Mr M R. Jayakar . That is so But the fact is there and I do not think that anybody can deny it, that an intensity of political feeling has come about in the city of Bombay the like of which I have never seen in all my life Honourable Members must have likewise read that a lady belonging to a very wealthy and influential Guzerati family has taken part in a big Poona demonstration I am not justifying these things My own opinion is that the civil disobedience movement is a wrong movement and I have openly said so. But any wise Government, and may I say any wise "reporters" of a wise Government like the Simon Commission would

[Mr. M R. Jayakar]

have taken note of this intensity of feeling India has rapidly advanced. During the last four months a great deal of advance in public sentiment has taken place Even the Viceroy in his last speech very wisely remarked, "India is growing every year more conscious of national feeling". I am, therefore, sounding a note of caution that the Government of India in framing their proposals on the Report would be wise to take note of this very important fact that political opinion in this country has been rapidly advancing If the Government of India want to be the true spokesman of political-minded India, they will have to take note of the advance in political thought which has happened during these months, although Sir John Simon and his friends might not have thought it necessary to do so

Coming to the Report, Sir, from my place, I must lodge my emphatic protest against the insidious and mischievous propaganda which was carried by this Commission by publishing their first volume a fortnight in advance We know what that trick was It was a trick very much of a piece, though different in colour and intensity, with the production of a notorious lady who wrote about India, whose name I shall not soil my tongue by mentioning here—a propaganda very much alike to that, intended to create a world opinion that Indian conditions were so hopelessly bad that Britain was justified in not giving responsible Government to India It was a most mischievous, most insensate, cunning and insidious propaganda carried against India, and my fear is all the greater when I remember, as was published a few days ago, that 32,000 copies of the first volume of the Report were sold in Great Britain alone That was about ten days ago Now, I understand that the whole of the first print has been completely exhausted This is very serious mischief But unfortunately all that we can do now is to lodge a protest against the insidious way in which propaganda has been carried on against India Sir, it is a most dangerous propaganda, because it seems at first sight so reasonable and specious

As regards the Report itself, I think we are justified in saying that this is a worthless document, unlookable at as one of my Honourable friends said here and I shall tell my Honourable friends why I think so The Commission were obsessed with two bogeys, which disfigure the whole of this Report One is the Hindu-Muslim dissensions We can turn to any page and we will find the appearance of this big bogey, one is almost inclined to call it a *deux ex machina*, of which the reporters take advantage whenever they are in a difficulty "Hindu-Muslim dissensions" There are some words which the Report always avoids, like, *e g*, "Dominion Status", and there are some other words which are profusely used Hindu-Muslim dissentions are of the latter description The second bogey is the conflict between the Legislative Assembly and the Government of India, The Commissioners are always fancying a conflict between the Legislative Assembly and the Government of India, and they are so obsessed with this fear, that in one place they go so far as to say while considering the possibility of conventions growing of transfer of power from the Secretary of State to the Government of India,—a gradual devolution of power in favour of the Government of India, from the Secretary of State—they say such conventions should not be multiplied. Why ? Because they say that the Assembly of the future, the Federated

Assembly of 250 worthy men as they will be,—this Assembly will be a strong Assembly *Vis-a-vis* this strong Assembly the Government of India would be weak and feeble. How do my friends opposite like this prospect ? What is the good of growing conventions in favour of a weak body of men ? They will not be able to resist the strong pressure of the Assembly Therefore, forsooth, do not allow any conventions of transfer of power to the Government of India from the Secretary of State Without taking much time, I will quote from the paragraph in which this precious sentiment is set forth This paragraph 352, from which I am tempted to read one or two sentences to show the attitude of mind, of suspicion, distrust, and antipathy if not embitterment, in which Sir John Simon and his friends approach the important problem, namely, the relation between the Secretary of State and the Government of India Discussing the convention which has already grown and the travesty of which we saw in the Delhi Session when the Cotton Tariff Bill was on,—the fiscal convention as it is most grandiloquently called,—discussing that convention and the possibility of such conventions growing in future, this is what the Commissioners say

" But the assumption underlying such delegation is that the Government of India's approval of the course proposed is arrived at independently of the views of the Assembly , and that it takes account of all Indian interests and not merely those for which a majority of the Assembly speak But we regard it as inevitable "—

--My Honourable friends will mark the following words --

" But we regard it as inevitable that the Government of India will in the future become more and more responsive to the views of the Legislature In so far as this is true, the Government's approval of policies like that covered by the fiscal convention ceases to be the result of an independent examination , and to this extent its power to resist the view of the Assembly decreases "

A most extraordinary line of thought ! Conceptions like these colour the whole of this Report There are two ways of looking at the Indian problem The first and the most important one from the Indian point of view and where the Simon Commission have gone hopelessly wrong, is the transference of power from the Civil Service to the people of the country through their elected representatives I am putting the point in a popular way The whole problem is how to transfer the power from the Civil Service, in plain words, how to put the civil servant in his proper place-- to make him a servant, to make him civil and to make him Indian How to put him in his proper place in a constitutional scheme is the whole problem—to transfer from the civil service power into the hands of the popular representatives And yet, this precious Report says in more places than one—I do not want to tire my Honourable friends' patience by going through all of them—that this cannot be done It says that the civil service in the method of its recruitment, the extent of its power, privileges and emoluments, would be left absolutely untouched My Honourable friends may not believe it, but it is a fact that the civil service is practically left untouched by the Report This appears at page 314 of the Report from which I shall read one sentence Speaking of the transference of power in paragraph 367, the Report says

" As regards the Civil Services of India, the security services must continue to be recruited as on all-India service by the Secretary of State and their existing rights must be maintained "

That is the keynote of the whole Report. I, therefore, submit, Sir, that it is a most mischievous Report It does not take note of public feeling

[Mr M R Jayakar]

and of what the people want Besides, it makes here and there proposals which are absolutely unpractical When I say that, my Honourable friends opposite, some of whom have seen the working of this Assembly for the last ten years will agree with me that the Commissioners' scheme with reference to the Central Legislature is a most unworkable plan I am surprised, Sir, that a publicist like Sir John Simon, who has seen the working of the British Legislature, should have put his signature to a document containing a most obnoxious, unworkable and unpractical plan What is the proposal ? In future, the Report recommends, the Central Legislature will be strengthened That means the popular element in the Assembly will be increased to 250 Members The official bloc will be reduced to 12 The popular element goes up and the Report wants to strengthen the Central Government But curiously enough this strengthening means raising the popular element, without giving it any increased power or responsibility This is a very extraordinary way of " strengthening " The Commissioners raise the popular representatives to 250 They reduce the gentlemen opposite to 12 My bloc will go up a few benches behind I may or may not be here, but there will be more benches behind me There will be a very small bloc sitting on the benches opposite where the Leader of the House is sitting now I hope he will look on this experiment with amusement in his retirement My numbers will go up, but there will be not one iota of more power on our side, or of more responsibility It is like increasing the appetite of a patient without increasing his food supply The Governor General will select a few of us as his cabinet ministers But in what way ? He will select whomever he pleases The moment he selects " A ", " A " will have to sever his connection with his party He is not selected *qua* member of the party He does not remain a member of the party After his selection there is no affinity between himself and his party He is selected as a nominee of the Viceroy He leaves his party He can not retain his seat in the Assembly He becomes a member of the Government, confabulating with brother officials What happens to him, Sir ? He may become unpopular with the rest of his colleagues, the officials I tremble to think what will be his fate after his five years' life on the Government Benches, torn off from his party and his constituency The result of this system will be that the future Assembly will contain people who may scramble for office. The moment they accept their office, they go out of the party and out of public life. This, Sir, is not even the beginning of responsible government but its travesty The process is wrong The essence of it should be that the man retains his membership of the party, retains his membership of the Assembly and yet he serves on the Government Benches as a kind of nexus between the Government and the popular Benches The value of such a nexus is great when the Government are not popular That important bridge, I use the word " bridge " deliberately, between popular representatives and an irresponsible executive is taken away, and the process is made one of absorption If I may say so without exaggeration, the process will be something like this My gardener collects and brings me every morning a large heap of flowers to select from I select the best six or seven and put them in my drawing room, in beautiful places, and reject the rest In like manner, our electors will elect 250 men for the Viceroy to select a few and put them into his cabinet. They are then lost to the people

and become officials He will no doubt select the best ones but they will be lost to public life I hope the House will not call it an exaggerated picture This, Sir, is Sir John Simon's plan What happens to the poor Viceroy ? I should like to ask His Excellency Lord Irwin what he believes from his experience will be the lot, under this Report, of his successor in office A most miserable lot He selects men who have cut themselves off from their party He takes their advice and supposing that advice is not followed, the whole Government does not go out Then the future Lord Irwin will say, " My dear Mr A, you are an honest man I value your presence at my dinners and parties, but you are not able to keep your fellows in check You must go away " Then Mr A goes back to Bombay and starts his practice at the bar ! This is the system propounded in this precious Report

Mr M A Jinnah : He will draw a big salary in the meantime

Mr M R Jayakar He may draw a big salary for a few months, but he will have to go into the wilderness afterwards He has got to make a choice I therefore ask the Government of India to be very careful of the pitfalls of this Report I can only say, Sir, that knowing as I do Sir John Simon and his great reputation, that he did not give proper thought to the practical nature of his suggestions Therefore the care of the Government of India becomes all the more necessary and, I am pleased to know that Government will take counsel with the representatives of the people, with those who are in a position to advise them as to the achievements of this Report from the popular point of view, which the Government of India may not be in a proper position to judge We say therefore that the Report is not helpful from our point of view

I now pass to the second question, more important than the Report, *viz*, the future of the Round Table Conference When I think of it, I almost feel as if a big tragedy was being enacted in front of us. It is as if a wise physician prescribed a sovereign remedy, and inferior quacks made a hash of it Sir, we first talked in this Assembly about the Round Table Conference in 1924 The United Nationalist Party consisting of the Congress Party and another party led by my Honourable friend, Mr Jinnah, made the proposal in 1924, if my memory is right It was repeated in the year 1925 It was not given I am reminded of a statement made by the late Mr Gokhale, which he quoted to me times without number He was a great optimist, a believer in British intentions and their genius for Government He often said to me " My dear Jayakar, there is one thing which I tell you after nearly 25 years of intimate contact with Government " His remark is as true today as it was then. He said "On every portal of the Government of India and their Secretariat are written large the words ' Too late ' " If the Government had granted this Round Table Conference in 1924 or 1925, when public opinion demanded it, it would have been accepted Now, it has come too late, as Mr Gokhale said Now, Sir, the Round Table Conference was announced on the 1st of November Nothing was done for a long time after that. The Government went to sleep like a great pugilist, exhausted after his efforts Some of us accorded a warm reception to the statement of the Viceroy last November. We braved public opinion, and became unpopular with our associates. Nothing happened day after day Some publicists gave interviews and tried to draw the Government of India out from their fastnesses. No. The Rip Van Winkle had gone to sleep and would not be awakened. Then came a most memorable pronouncement on the

[Mr M. R Jayakar.]

25th January before the Assembly It was a most unfortunate pronouncement I have no doubt that the framer of that pronouncement, the high and exalted noble man who made that pronouncement before the Assembly, had no intention of conveying to India the impression which he did unfortunately convey, namely, that Dominion Status was a distant goal, it was a wearisome journey which had to be traversed step by step I have no doubt, knowing as I do something of the mind of the great Viceroy who is now presiding over our affairs, that it was not his intention But those who were responsible for framing that pronouncement in January last never realised, that the words would create that impression in the minds of the bulk of the Indian people All this time we were reading in India the speeches of British statesmen in England These were causing great mischief in India A former Secretary of State, who had done every thing to inflame public opinion during his term of office, did not let India alone even after he had gone away from office Decency should have taught him not to tinker with a question which he had done everything to spoil by his utter lack of sympathy with the Indian people and by the insults which he hurled at them from time to time We were all surprised in India that this gentleman should have had the temerity now and then to return to the regions of Indian politics and pronounce opinions which no body valued here I think, Sir, it was a misfortune that party discipline in England found no means of putting a curb upon the antics of this gentleman All this had helped to make the situation more and more uneasy, and we have now arrived, at the stage when the Round Table Conference has come very nearly to be regarded as a pet delusion of a few, if I may say so, as it has become the pet aversion of others Well, Sir, I shall say quite frankly that I am personally in favour of Indians going to the Round Table Conference as most of my Honourable friends must have seen from the statement in which I joined a few days ago But as a man who is familiar with the sentiments of a large bulk of my countrymen, I shall be failing in my duty if I do not convey to this House an accurate picture of what the popular feeling about this Round Table Conference is, in order that the Government may know what the truth is and take speedy measures to effectuate a remedy Government today must know that the Round Table Conference is regarded by some as a myth, by some others as a trap, and by some others as a delusion (Hear, hear) These views may be wrong, but it is I think perfectly obvious that Government, by their inaction, by their long and foolish inactivity, have made it a weird apparition—that is my description of it There is only one way, Sir, even now of making the Round Table Conference a great success, and that is to make it as representative, as truly representative of Indian interests as Government can Do not regard it—if I may say so to the Government Benches—do not utilise it as an opportunity to reward loyal friends or to punish political enemies, but regard it as a power held in trust, to make proper nominations with the sole view of making it thoroughly representative Put in only such men at the Conference—irrespective of their political hostility or loyalty to Government, irrespective of all irrelevant prepossessions or predilections,—as really represent India in all its varied interests. (Hear, hear.) I say this because it has been often said to me by men in Simla in and out of office that Government must not forget those friends of theirs who have stood by them in this fight (Laughter) I have heard this sentiment, I do not know how

many times, since I came to this height a few days ago. " We must not forget our friends who have stood by us in this great conflict" That is the phrase By no means forget them Nobody desires that Government should be ungrateful—a Great Government like this cannot afford to be ungrateful—but please do not make the Round Table Conference a congregation of all your loyal friends That is all I have to say This is not the place to reward them with a seat Government can give them any number of titles and honours which they possess in abundance (Laughter), but the conference is not the place for them This is a great trust, and I want the Government of India to remember that they must make every effort to realise that it is a high obligation which they owe to this country and which has to be discharged in a dispassionate and single-minded way If they fail in making a proper selection, they will frustrate the purpose of the Round Table Conference Remember, Sir, success depends upon who go there If the right type of men go, our work is done If on the other hand people go there who are selected from wrong considerations, then the Conference will end in failure That leads me, Sir, to the last topic which I want to refer to, namely, the great necessity of conciliating public opinion in this country A great deal has been done, Sir, to irritate public opinion Coming from the city of Bombay, I may say a great deal on this question, shall I tell the Government that they have by the excesses of their over-zealous officers, irritated public opinion ? I shall not go over the same topic that my Honourable friend from Bombay, Sir Cowasjee Jehangir, has traversed Let us remember, Sir, that he is an ex Member of the Cabinet of the Bombay Government, not an agitator all his life like some of us, but a man of great restraint and responsibility who sat on the Government Benches as I sat opposite to him in the Bombay Legislative Council Well, then, if this ex-Member of the Bombay Government today can get up and launch such a diatribe against the Department of my Honourable friend, Mr Haig, that is a sign of which the Government I hope will take note Sir, I endorse every word of what he has said Sir, men and women have been beaten (*An Honourable Member* " Deliberately ") Sir, I have seen them, I have seen women and children being beaten Sir, I am not justifying what the Congress men did, but there is no doubt that the whole situation has been very badly handled I do admit, Sir, that the Government have either to assert law and order or to quit They must take all measures necessary for the maintenance of law and order, but I do maintain, Sir, that there ought to be tact, self-restraint, and a sense of proportion in doing all this It is said, Sir, in Bombay that the Government of India screwed up the Government in my province What truth there is in it those sitting opposite can only say I shall only say what the popular feeling is For a long time the Bombay Government went on very well They showed commendable self-restraint in the same way as the Government of the Central Provinces has done, but the time came when all this disappeared. Public whisper has it that they were screwed up by the Government of India from this side If this impression is wrong, I apologize But if it is true, I hope the Government will take a lesson from these instances that have happened in Bombay There is no doubt that a great deal of irritation has been caused by wrong police methods And, the worst of all is that the Government have played the part of touts for British commercial interests (*Cries of* " Shame, shame.") This House will be surprised if I say so, but this great and mighty Government have played the part of touts for putting up the interests of British commercial men.

[Mr. M R Jayakar]

I may here refer to a pamphlet which was published in the Bombay newspapers and of which I am sure my Honourable friend opposite is fully aware It emanated from the Government Central Press in Bombay and it was published in the Bombay newspapers And what did it contain ? I would refer to only a few extracts from that circular It was a reply to the Congress propaganda for the boycott of British goods, a perfectly legitimate propaganda, which, even the Viceroy said, in its economic and Swadeshi aspect is perfectly justifiable In the Ordinance which proceeded from the Viceroy it was made clear that the Ordinance was not intended to strike against genuine endeavours to develop Indian industries and Indian enterprise I would call the attention of the Government of India to that excellent statement in the Viceroy's Ordinance, and it was directly against the spout and terms of that Ordinance that this statement was published by the Publicity Officer in Bombay It refers to Indian Banks, Indian Insurance Companies and Indian Shipping, and its attempt is to point out that all these Indian enterprises are inferior, untrustworthy, slippery and delusive Therefore, it asks Indians not to have anything to do with them I quote a brief extract

"Is this (boycott) practicable ? Every student of economics will tell you that it is not, and that any attempt to carry it out would inevitably lead to great harm to the consumer and the average citizen Why ? Because the proposal means that the consumer *must abandon* the superior products from Britain and confine himself to inferior types of articles for which he would have to pay in all probability inflated prices It is well known that many British products are the best in the world " (Honourable Members will mark these words "are the best in the world") "For instance, British machinery is unrivalled, British drugs hold a high place in the market The consumer is now called upon to confine himself to commodities which in point of usefulness, durability and efficiency are much inferior to these British Banks are the mainstay of our Banking system in India They provide wide facility and the strongest security Why should people ignore these security concerns in place of much less stable ones ?"

Similar remarks are made about Indian Insurance Banks and shipping offices I do hope that, as Publicity touts of British commercial interests, the Government of India and the Government of Bombay will send a proper bill to the producers of all these British products charging commission for the wide publicity which they have given to them Why not make a little money out of publicity work ? This great Government Sir, has stooped to the contemptible methods of touts I am using these words with full responsibility They are using the reprehensible methods of touts in order to down Indian goods and to puff up British goods I can only hope that they will charge a proper commission having regard to the exalted and high office which they occupy in this country In this way Sir, the irritation has gone on I do hope, Sir, that the Government will soon turn over a new leaf I do hope Sir, that the Government of India will realise that it is entirely in their hands to create a conciliatory atmosphere without which the Round Table Conference will be a failure

Before I conclude my remarks, I would like to warn the Government that they are going too far in their methods of dealing with the Congress propaganda I am bound to say, however unpleasant the truth may be, that there is a desire among a certain section of the officials here to arrive at no conciliatory understanding until the national movement is crushed and its back is broken Government have right to adopt all reasonable means to put down defiance of law but it is wrong to take

hold of this opportunity to crush the national spirit The desire is to *punish*, not for the sake of arriving at an armistice, but to punish so that the awakened spirit may be crushed for long I would like to warn these officers that they should bear in mind that the idea must not be to crush and achieve a victory, so that a similar movement may not raise its head for another 40 years Please do not be guided by that desire, nor also wait for an honourable settlement until something more drastic is done by the civil disobedience movement Take stock of the present circumstances and do try to find a solution, which is not impossible It was a regrettable tragedy, Sir, that when the esteemed Leader of the Swaraj Party who was our colleague here for many years with whom we had free discussions, and who sat next to us at dinners, luncheons and teas, came down with his proposals into a region of reasonableness from his talk of independence—he was clapped into Jail After I read his last interview, I left Bombay in hopes of making it the basis of an honourable compromise, and yet when I came here I found that he was locked up in jail I do not say that the Government might have had no justification for doing this but may I ask what would have been lost by waiting for three or four weeks more until prospects of a compromise had ended ? If Government had any imagination, they would have said to themselves "Here was an approach made, here was the leader of a hostile movement practically coming out with proposals of peace Let us therefore leave things in *status quo ante*, and see what prospects of peace there are Instead of acting like this, the Government have clapped him into jail, making settlement almost impossible The solution which he offered was certainly not unreasonable, but this unwise Government have sent him to jail, with the result that there is hardly any body with whom the Government can now deal This is not politics, it is not state-craft nor is it playing the game I submit it was a wrong step to take whatever departmental justification there might have been for it Nothing would have been lost by waiting until the prospects of peace were investigated Perhaps further negotiations with the Government would have taken place, leading to fruitful results I do maintain, Sir, that it was highly impolitic to send Pandit Motilal Nehru to jail the moment he descended into the region of a possible compromise That is not the way to attain peace

In conclusion, I would like to warn the Government again It is in their hands to make this Round Table Conference a success or failure It is still three months distant We wish therefore to give Government every chance to make it a success Therefore the opinion of my party is that we should let this grant go through We do not wish to close the door on the Round Table Conference because we know there are still three months in front of us We do not wish, as practical men, to close the door on the Round Table Conference by voting against this grant We shall therefore let go this grant, voting for it and contenting ourselves with making our views perfectly clear, as to the great necessity of the Government taking up conciliatory measures in order that all important men may be attracted to this Round Table Conference I may tell the Government that the men who have to work the future constitution must be made to attend the Round Table Conference unless Government wish to repeat the mistake of 1921

Mr. E Studd (Bengal European) Sir, it is with very considerable diffidence that I rise to address this House, having only been a

[Mr E. Studd]

Member of it for such a short time But I feel that I should be failing in my duty if I did not take the opportunity of endorsing Sir Hugh Cocke's remarks yesterday, on behalf of the Europeans in Bengal and particularly the Calcutta commercial community, one of whose representatives I have the honour to be During the course of a good many years in this country, most, if not all of us, have formed friendships, many friendships, with Indians which we value very highly, friendships which have stood the test of time and of adversity We have interests which are in common, for without mutual co-operation and understanding and goodwill no business intercourse between us would be possible, and in the course of our daily relations, we have had ample opportunities of forming opinions of the high capacity of Indians with whom we have had to deal We realise that our interests are so intermingled that we are indispensable, one to the other It is therefore quite natural that we should have every sympathy with Indian aspirations As my Honourable friend, Sir Hugh Cocke, said yesterday, ten years ago, there may have been die-hards, but certainly today among us there are none We are anxious to do anything that we can to show our sympathy with those Indian aspirations and the only thing which we ask for is reasonable safeguards for the interests which have been built up for very many years, and I venture to remind the House that those very interests are so intermingled that it is impossible, strictly speaking, to call them purely British or purely Indian We are, as I have already stated, fully convinced that there are plenty of Indians of the highest ability and capacity to occupy positions of responsibility The only doubt that we have is whether the conflicting interests and parties can evolve a workable scheme acceptable to all We sincerely hope that they will be able to We can assure them, that, if and when they are able to evolve such a scheme, they will have all the support that we can give

I do not propose to attempt to discuss the Report of the Simon Commission, although it appears to me to be quite a sound basis for discussion Like my Honourable friend, Sir Hugh Cocke, it takes me a long time to form an opinion, and my political education and experience being so much less than his, it will probably take me a great deal longer than it would take him It would be perfectly easy for me to pick out various items in the Report with which I do not agree, but it seems to me that destructive criticism is of little value unless it is supported by some constructive proposals to take its place I cannot help feeling that continued destructive criticism, and sometimes acrid criticism will only help to create an atmosphere of distrust and doubt I think everyone will agree that the function of the Round Table Conference is so complex and so difficult that an atmosphere of trust and friendship and goodwill is essential if they are to have any real opportunity of bringing their task to a successful conclusion I entirely agree that the representatives who go to the Conference should be representative of all parties and all interests and that any reasonable steps which can be taken to make it so representative will have our full support If it is agreed, as I think it is, that all parties should go to that Conference, I confess I find it a little difficult to see the necessity for this token cut, because the Simon Commission's Report is not accepted The Conference is

not merely to deal with the Simon Commission's Report, but it has to bring all parties together and evolve a suitable and acceptable scheme Therefore, if I may, I would suggest to the Honourable the Mover of the cut that, if he were willing to withdraw it, it would be a happy gesture, and an encouragement of that spirit of trust and goodwill which we are all so anxious to see brought about for the Round Table Conference before it sits Sir, I support the Demand for the supplementary grant

Maulvi Mohammad Shafee Daoodi (Tirhut Division Muhammadan): Sir, I would confine myself to only one point I would not touch the Simon Commission's Report I would say a few words about the propriety or the impropriety of the Round Table Conference The situation in which the Mussalmans of India are placed to-day is a very difficult one They have on the one hand to find fault with Mahatma Gandhi in starting a movement of civil disobedience and thwarting the London Conference, and on the other they have to criticise and record their emphatic protest against the ruthless repression that has been going on of late in the country

While criticising the action taken by Mahatma Gandhi after the announcement of the Round Table Conference, I have to say a few words which might not please my Honourable friends, who regard Mahatma Gandhi as something more than a human being But I have got to say it When I look to facts which we have seen during the last one or two years, I find that, as a matter of fact, there has been communal difference of a kind which no one would like to have in India It was certainly a matter for the two communities living together to settle between themselves But it was not done When we were fighting over such matters, the announcement was made by His Excellency the Viceroy on the 31st October, 1929, that there was going to be held a Round Table Conference in London It was a happy sign that at that moment all the political leaders of India worth the name welcomed that announcement In the first week of November, 1929, the Leaders' Conference which was held at Delhi made it clear that they were going to co-operate in this London Conference Some conditions were of course laid down, but they were not so difficult of achievement There was also some sign of the communal differences being adjusted between the parties I should rather say that every one who was interested in that question believed that that was the time when Indians would make up their differences and go ahead to the London Conference for the purpose of placing unitedly a case before the Conference, which could not be resisted by any statesman howsoever sagacious he might be But it so happened that, on the 23rd December, 1929, we heard a very amazing incident We heard that Mahatma Gandhi and Pandit Motilal Nehru had met His Excellency the Viceroy on that day and had decided to boycott the Conference I must assure my friends here on this side of the House that it shocked every one of my friends who were then at Lahore preparing for the Conferences and Congresses there

Mr President (to an Honourable Member) Order, order The Honourable Member knows that reading newspapers is not allowed when the House is sitting

Maulvi Mohammad Shafee Daoodi: I was telling my friends here on my right that they must believe me when I say that the announcement made by Mahatma Gandhi and Pandit Motilal Nehru that they had

[Maulvi Mohammad Shafee Daoodi]

decided to boycott the London Conference shocked us to a very great extent We began to find out the reasons for this boycott We tried to question our friends who were in the know of things, but to tell you the truth, no satisfactory answer could be given to our questions, and we came to the conclusion that, by avoiding the London Conference, the great Hindu leaders were avoiding a settlement and adjustment of the communal differences Of course it might appear too much to those who are not affected by that question, but those who are intimately affected by this question have got to think out the reasons for such a course A month and three weeks before the thing was acceptable, but it became unacceptable some time later for no apparent reason whatsoever There must be some reason for it However, we made it plain to Mahatma Gandhi that the boycott of the London Conference at this moment would not be favoured by the people of India We had laboured long for the settlement of the constitutional problem and the communal differences between the several interests and communities of India, and we had not been able to solve them Now that the opportunity was there they wanted to avoid it There must be very solid grounds to convince those who doubted the sincerity of the boycott Since then the differences between the two communities have grown wider and wider We apprehended at that moment that when a struggle of this magnitude would be launched against Government and the Mussalmans as a community would keep themselves aloof, it would be bound to create ill-feeling between the two communities, which would take a long time to forget And the same has happened

So far I have spoken against the boycott of the London Conference by Mahatma Gandhi, but I have got to say very bitter things against Government also The occasion for this has arisen of late I appreciate the sincerity of purpose of His Excellency the Viceroy in not interfering with the movement which was started by Mahatma Gandhi We thought that this non-interference would continue and the movement when not resisted would subside , and I am sure, if that policy had been followed, the movement would not have gone to the length to which it has gone now I have seen myself, in Patna, that the movement was going to die out, but the moment the military were brought and the poor non-violent volunteers were being trampled under by the military the movement gathered strength to an enormous extent and in short time, where there was no bitter feeling against Government, everybody began to feel as bitterly as the Congressmen themselves I know personally how mercilessly Professor Abdul Bari of the *Bihar Vidyapith* was beaten by the police

Mr Gaya Prasad Singh And Babu Rajendra Prasad

Maulvi Mohammad Shafee Daoodi : I have met Professor Abdul Bari myself and have learnt from him the circumstances in which he was beaten I do not doubt his veracity. The circumstances were really such that no one but a coward would try to beat a man who was unarmed and doing no mischief At the same time, a non-violent man, an emblem of non-violence, Babu Rajendra Prasad, could not escape the *lathi* charge of the police These are circumstances which convince me that the method adopted by Government in suppressing the movement has been very

ruthless But it cannot succeed I hope Government will take my word for it that it cannot succeed

When I look to the Frontier Province and know the facts from the witnesses who have seen the occurrences there, I forget what have happened in Bihar It really appears that the authorities in the Frontier Province consider the people inhabiting that province as so many animals and cattle I cannot understand how, when the 12 men who were to be arrested had surrendered of their own accord, a commotion of the kind we have heard could take place To me it appears that the first firing as well as the second was unjustifiable However that may be, here is a Government official of the highest position, Mr Justice Sulaiman, who also holds the second firing to be unjustifiable I could have understood the wisdom of Government if they had at least shown some consideration for the judgment of this Judge of theirs, but they have no such consideration Truthful and honest people have come to us from the frontier with tears in their eyes complaining and asking why they are not allowed to use their weapons I have been telling them all the time, "If you want something substantial to come out of this struggle, you should be non-violent" I am satisfied that the mob which was fired upon at Peshawar was a non-violent mob, because otherwise you would not have so few casualties amongst the rank of the Army and of the police After all they are Pathans of the frontier, and do you know why these Pathans came forward in such large numbers? They were told that their *Shariat* was in danger, that the Sarda Act had been passed against the injunctions of their religion

1 P M

An Honourable Member By whom were they told?

Maulvi Mohammad Shafee Daoodi: That is difficult to say, but they were told by those who were interested in agitating the people, but when they saw that a highly educated man like Maulana Mohammad Ali had also resented the passing of that Act, they certainly believed that their resentment was justifiable, and if any man went to them and told them that the Government had passed this Act in the teeth of the opposition of the Mussalmans and made it applicable to them as well as to the other communities who had wanted it, certainly these Pathans could not sit idle and not help a movement by which they might feel that they were doing some service to their religion The difficulty is this, that in spite of the fact that protests after protests, deputations after deputations, addresses after addresses had been given to His Excellency the Viceroy representing the feelings of the Mussalmans, His Excellency the Viceroy would not believe these professions he only believed a few who went and told him that the whole thing would subside in time and that there was no use in doing away with the application of the Act to the Mussalmans That is the difficulty The public feeling is not gauged at its proper worth I find the same difficulty has arisen here in this repressive policy of the Government If the Government were properly informed of the intense feeling in the country against the Government, I think such ruthless repression would not have been adopted I want to tell the Government that they ought to listen to the real true opinion of the people and not of those who have their own axe to grind in keeping them ill-informed of events

[Maulvi Mohammad Shafee Daoodi]

We are men of the type that will not sit idle and merely make speeches, when we came to believe that the movement of civil disobedience was not conducive to the welfare of the people, we stood up against it We have addressed monster meetings in many many places throughout India, we have taken our courage in our own hands and told the people that the movement was not conducive to their welfare and that they should not therefore follow it But the Government should remember that these words will fall flat when the people find that, although there may be no reason for the civil disobedience movement, still after the movement had been started, the Government were having recourse to such methods of repression that any one who had seen or had experience of those measures could not rest content It appears to me that thousands and thousands have gone into the fold of the Congress after this ruthless repression began If this policy had not been adopted, I firmly believe that we would have been in a different atmosphere at this time This is what we have done outside the Chamber, addressing meetings and bringing home to Mahatma Gandhi that the boycott of the Round Table Conference would not do, he had got to face the stern facts and realities of the situation

But here in this House, in the presence of those who represent the Government of India, as constituted today, I avail myself of the opportunity and want to tell them equally weighty facts which in my opinion are that the great mass of people have, by reason of unemployment and poverty, begun to distrust the Government, the great majority of them are hankering for some method by which they can change the system No man can satisfy them unless a radical change in the system is brought about In my opinion therefore a change is inevitable if there is to be peace again in this country If the Government sincerely wish that the change should come and that the responsibility of governing this country should be substantially transferred to the true representatives of the different interests and communities, they should rely on the sure ground of their sincere desire It is needless for me to tell the Government Benches that no Government can rule a country of the culture and civilisation as India has by means of brute force, however gigantic that brute force may be I should also say that the days of edicts and ordinances have gone by The only policy that will do good both to India and to Great Britain is the policy of conciliation I most heartily agree with what the Leader of the Opposition, Mr Jayakar, just now said about the policy of conciliation which should be followed by the Government I hold the firm opinion that the invitation to the London Conference should be extended, or if it has been given, it should remain extended, to Mahatma Gandhi and Pandit Motilal Nehru If they are going to reject it, let the blame be on them, let Government continue this attitude and remind them from time to time that their name is on the list of the Government

The situation that has arisen in the country is very serious and seriously the remedy should be thought out So far as my humble opinion is concerned, it is in reaffirming the policy of reconciliation that the remedy lies How best it is to be accomplished it is not for me to say My voice will be in the wilderness But, Sir, there is one thing

which I cannot help saying, and it is this Unless the Government will re-affirm their policy of reconciliation and show by their deeds that they do not mean anything but reconciliation and steadfastly go on acting on this principle, unmindful, I say, of the excesses which civil resisters may be committing, I cannot feel satisfied that the Government are on surer grounds Let me tell them again that the way to achieve success is that the stronger must yield to the weaker, and the weaker must pause to analyse the consequences of the desperateness with which he acts Having done this, I would like to resume my seat I do not want to go into the question at any great length, but before I resume my seat, I must speak out what I have gathered from the speech of His Excellency the Viceroy on the 9th instant in regard to the scope of the Conference His Excellency has made it definitely clear that the Conference is not going to be a meeting ground for discussions or debates, but it is going to be a joint assembly of the representatives of both countries on whose agreement the precise proposals of Parliament will be founded I believe that this is what Mahatma Gandhi wanted on the 23rd of December, 1929 We however believed that if the communal differences were settled and the representatives of British India had proceeded to the Round Table Conference after that achievement, the same result would have followed But now that the object and scope of the Round Table Conference has been made abundantly clear by His Excellency the Viceroy, I think there should be no doubt in the mind of any representative who goes to the London Conference that it is a trap I do not for a moment think that it is a trap for those who have got a strong mind in themselves It is of course a trap for those who are weak-minded Those who know their business, those who know their mind, would make capital out of it if it is proved to be a trap I have not the least doubt that it all depends upon the representatives who would go to the London Conference to present the case on behalf of India. Therefore, I would say that now that the substance has been conceded by His Excellency the Viceroy the civil disobedience movement should cease on the one hand and the political prisoners should be released on the other With these observations, Sir, I support the cut moved by my friend, Mr Abdul Latif Farookhi

The Honourable Mr. H. G Haig : Sir, I had not intended to take part in this debate, for the question primarily raised is that of the participation of India in the Round Table Conference, and on that matter the Honourable the Leader of the House will state the position and views of Government In the earlier part of the debate it appeared to me that the House generally recognised the difficulties of Government in dealing with this civil disobedience movement as it undoubtedly regretted the starting of that movement, but in the later stages of the debate more and more stress has been laid on the inevitably unfortunate incidents which accompany the civil disobedience movement, and allegations have been made against the behaviour of the forces of Government, and the policy generally of the Home Department has been attacked. I feel, therefore, that it is necessary, in justice to the House, to say something on those points. I shall try and confine myself to general reflections, because though certain specific allegations have been made in the House, the

[Mr H. G Haig]

Government of India cannot expect to be acquainted with all the incidents that have taken place all over India, and the place where, I think, specific allegations can most conveniently be made, as they can most conveniently be answered, is in the local Legislative Councils I need hardly say that I am not prepared myself to accept some of those allegations The Honourable Member opposite made certain specific allegations I have no doubt that he is an excellent advocate, but I am not prepared at present to accept him as an excellent judge, and as far as I could gather from the long Report which he read out to the House this morning, he had formed his opinion on the examination of certain *ex parte* evidence

Mr K. C. Neogy In spite of the opposition of the local officials, and of the personal observation

The Honourable Mr H G. Haig : I feel, Sir, that it is for the Bengal Government to answer those allegations I myself am not acquainted with the details

Mr C. S. Ranga Iyer (Rohilkund and Kumaon Divisions Non-Muhammadan Rural) Will the Honourable Member be prepared to investigate the statements that were made by the Leader of the Nationalist Party ? Will he put it to the Bengal Government how far those allegations are true, and will they advise the Publicity Department either of Bengal or of the Government of India to make a public statement on these facts ?

The Honourable Mr. H G Haig . I have no doubt, Sir, that the Bengal Government, when these allegations are brought to their notice, will deal with them

Then, other statements have been made, such as those by my friend Sir Cowasji Jehangir I do not in the least wish to dispute the general accuracy of the picture he has drawn, but as His Excellency the Viceroy in his address to this House recently said, it is inevitable that, when these clashes take place between the forces of the Congress,—and I deliberately use the words " forces of the Congress ",—and the forces of Government, the innocent or some of the innocent are likely to suffer

Mr. Gaya Prasad Singh : They are deliberate.

The Honourable Mr. H G Haig : Government deplore that as much as any Honourable Member here But I would ask the House to remember that the only way in which these deplorable incidents can be brought to an end is by the Congress abandoning its present methods (*An Honourable Member* " Unconditionally ? ")

Mr K. C. Neogy : And by the Government sticking to lawful methods

The Honourable Mr H G. Haig : Well, Sir, I shall deal with the matter on more general lines There has been

Mr. M A. Jinnah : Do I understand that the Government are laying down this proposition, that until the Congress stop the civil disobedience movement, however wrong an action taken by an officer of the Government, it is not to be taken notice of ?

The Honourable Mr. H. G Haig . No That was certainly not my position My position is, when one is dealing with large crowds, as apparently has been the case in Bombay, and when it is necessary for the police to disperse them, it is hardly to be expected that some innocent people will not suffer I do not go beyond that

Mr M. A Jinnah : But when they do suffer, surely the Government should take measures to prevent a recurrence of that

The Honourable Mr H G Haig : So far as possible I have no doubt whatever that the Bombay Government are taking all reasonable measures

Mr Gaya Prasad Singh And the other Governments too ?

The Honourable Mr H G Haig The other Governments, I am glad to say, are not faced with the same situation as the Government of Bombay (*An Honourable Member* " You will have a similar situation in other provinces also ")

Mr. K C. Neogy : That shows what little knowledge the Honourable Member possesses about things in Bengal (*An Honourable Member* " Also of things in the Madras Presidency ")

(At this stage several other Honourable Members also interrupted)

Mr. President I think that it will be better if Honourable Members allow the Honourable Mr Haig to go on with his statement

Mr Gaya Prasad Singh . He is making a reply Some of us wanted to speak, and bring certain occurrences to his notice, but we cannot do so now So, the only way is to (*An Honourable Member* " Interrupt him ") try to draw him out

The Honourable Mr H G Haig : I was saying, Sir, that the Government are accused in a general way of repressing this movement, and it has been suggested that that is a wrong method of dealing with it I admit that repression is a word that has an ugly sound, but we have to consider what it is sought to repress All Honourable Members in this House know very well that what it is sought to repress are breaches of the law, deliberate breaches of the law or incitements to taxpayers not to pay taxes A Government that is not prepared to deal with such activities forfeits its claim to govern A Government, any Government, the Government of the present and the Government of the future, must have authority That is a point that is very well understood by the leaders of the civil disobedience movement Their object has been quite definitely and plainly to undermine the authority of Government by promoting among the mass of the people a spirit of defiance It is true that the issue has been to some extent clouded by the methods adopted,—the method, the policy of non-violence,—and I freely admit that in very many cases, in the majority of cases, that method has been followed out The House knows very well that there are other cases in which non-violence has completely failed But I grant that the means employed by the Congress to undermine the authority of Government have been very skilfully devised They endeavour to place the Government in the dilemma of either acquiescing in the Congress activities, activities which cannot really be tolerated without destroying the foundations of the authority of Government, or, on the other hand, of opposing those activities by force That is quite plainly the policy, and the very clever policy

[Mr H G. Haig]

of the Congress And they reckoned in a clear sighted way that, by placing Government in this dilemma, they would naturally rouse the sympathy of a large number of people who would not ordinarily sympathise with the Congress, by the very fact that Government were compelled to use a certain amount of force in dealing with those methods That, Sir, is the position and I wish to make that plain to the House Non-violence, as I have said, is merely a method We have to look to what underlies it The underlying conception is really that of force It is that of applying force and coercion to Government Another path is open, as His Excellency stated the other day the path of argument and reason, and it seems to me a tragedy that these methods should be pursued, methods which must lead to increasing ill-will on both sides, when this other path is open The tragedy is not, as it seems to me, one of those inevitable and relentless clashes of antagonistic forces, it seems to me rather a tragedy of misunderstandings and suspicions We may differ about the degree and the pace of constitutional reforms, but our faces are all set in the same direction (*An Honourable Member*: "Question")

Mr K C Neogy: Not of the Honourable Member's

The Honourable Mr. H G. Haig: I claim to speak for myself and to interpret my own views The great misunderstanding, as it seems to me, —I know that Honourable Members opposite or many of them do not agree—the great misunderstanding is the belief, which is unfortunately very prevalent in this country, sedulously propagated, genuinely held, that nothing can be obtained from the British except by force That is a view which is based on a certain reading of history For myself I think it is misreading of history and a misreading of the real temper of the British people

Mr. C S Ranga Iyer: What did you do with regard to Ireland?

The Honourable Mr H G Haig: I know, that is exactly the point But I believe that this country is being seriously misled in basing all its policy and all its views on the history of Ireland (*An Honourable Member*: "What about America?")

Mr. M. R. Jayakar: Is the Honourable Member prepared to recommend to the Government some means by which such a general impression may be removed?

The Honourable Mr H G Haig: The general impression is possibly being removed by the events of the last three months, which I think are making it plain that the path which has been adopted by the Congress, the path of coercing the Government, is not leading to any successful conclusion Therefore, I will appeal to this House, and it needs no appeal for I know their sympathies lie in that direction, that they should follow the other path, the path which has been open all along and which continues open, the path of reason and agreement I believe—again I do not expect to convince Honourable Members opposite—that in the whole of this constitutional question what really matters is not force but the moral issues and that it is the moral issues in this case that appeal to the British people The claim for self-government is in its essence a moral claim and my own firm conviction is that the progress that this

cause has achieved in the past has been largely due to the moral appeal which it has made to the British people I trust, Sir, that India will choose the path of reason, not of force, and that the representatives of various parties and interests will go to London in a spirit of friendship and good will, with the determination to seek a solution that may be acceptable to both countries

The Assembly then adjourned for Lunch till Twenty-five Minutes to Three of the Clock

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The Assembly re-assembled after Lunch at Twenty-five Minutes to Three of the Clock, Mr President in the Chair

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Mr Kikabhai Premchand (Bombay Nominated Non-Official) Sir, the Report of the Simon Commission, to which we had been looking forward so long, has now appeared and has met with almost universal disapproval throughout India It was generally expected that nothing could satisfy the extreme left wing, but it is a matter of regret to observe that it has not satisfied even those who are prepared to co-operate with Government Personally, I am forced to share this general dissatisfaction For instance, the so-called provincial autonomy, as recommended by the Commission, will, on closer examination, show that this is largely illusory

Even if an advance in this direction may be admitted, it is offset by the retrogressive nature of the recommendations for the Central Government

The whole crux of the national demand for self-government lies in the control of the country's fiscal policy, which can only be obtained through advances in the Central Government It naturally involves the control of tariff policy, which is of paramount importance to Indian trade and commerce, and the commercial community cannot reasonably be satisfied unless the decision in all tariff matters is left to the Indian Legislature Personally I am in favour of Imperial Preference more as an economic advantage to India than as a gesture of amity But we must be free to work out our own ideas for the protection of those industries which need safeguarding and bring in our own measures to prevent the stifling of the growing industrial sense in India It is futile to have any advance if the Members of the Indian Legislature are to be in effect merely onlookers and not responsible participants in the shaping of the country's destiny

Some of the suggestions made by the Financial Adviser to the Commission are particularly unfortunate He says that there is no room for further taxation in India, while at the same time he suggests various methods of levying taxes, which are most unsuitable to India, like the terminal tax, a suggestion bound to foment inter-provincial jealousies and interfere with the free course of trade within the country. The United States is an example of a country whose prosperity has been built up largely by reason of the fact that it has an immense area with no restrictions whatever on legitimate trade within its borders Europe, on the other hand, is endeavouring to find some way of getting rid of the barriers to trade which have been raised on all sides

The reforms that I urge are not the demand of thoughtless or irresponsible people. They express the feeling of the conservative element,

[Mr Kikabhai Premchand]

men who have an important stake in the country, educated men, who have learnt to study all the implications of a question and to consider consequences,—bankers, businessmen and landholders

The present unrest seems, to my mind, due more to economic reasons than to anything else The commercial community's sympathy has been alienated by the fact that Government have not taken business men into their confidence or availed themselves of their counsel, excepting as a last resort, preferring to take the advice of men whose interests are primarily political It is vital to the interests of Government to regain the lost sympathies of business men by helping to grant a substantial measure of advance in the Central Government, of course, subject to necessary safeguards to prevent profiteering and ousting of Empire goods It is therefore highly desirable that the legitimate demands of men who have everything at stake be satisfied and to win them over to the side of law and order I should therefore recommend the House, to show their disapproval of the Simon Report, to vote for the cut motion of Mian Mohammad Shah Nawaz

Mr Amar Nath Dutt (Burdwan Division Non-Muhammadan Rural) Sir, a perusal of the Report of the Standing Finance Committee will show that the Committee desired to point out that the Conference should be fully representative of all political parties in India before sanctioning the Demand in the Standing Finance Committee in which opinion was sharply divided, we had this recommendation made Now if we are to pass the Grant that is now before us, we will have to see whether these conditions have been fulfilled The House has to see to that But we are in the dark about it We do not know what the personnel of the Conference is going to be Ample time has passed since then by which the Government could have announced the personnel of the Conference One can well understand why the Central Government do not wish to declare the names before the Grant is passed They are not forthcoming And why ? It is lest the personnel be disapproved by even those who do not approve of the civil disobedience movement And what is the reason ? I was informed a few minutes before by an Honourable Member of this House how the Government of the Honourable Mr Haig and his subordinates is administering law and order At Calcutta, when there was no picketing Ordinance, a small boy was picketing near a shop I was told that this boy of 10 was caught by two European Sergeants and a revolver was pointed at his head

Mr A H Ghuznavi (Dacca Division Muhammadan Rural) Mention the name of the gentleman who gave you the information, otherwise it is very difficult to believe the story

Mr Amar Nath Dutt I am not going to do that I know it is very difficult for certain Members in this House to believe things which go against some Members of the Government. I know that my Honourable friend is not one of those Members, but if he turns out to be one of those Members, then I regret it very much I can only tell him that he is a highly respected citizen of Calcutta and a moderate in politics Then they began to beat the boy mercilessly, so much so that an old woman, who saw him from her house, ran down to save the child That old woman was also going to be beaten, but fortunately she was protected

by her people. This is the way in which they create lawlessness and disorder in the country.

Mr. A. H Ghuznavi : Where did it happen ?

Mr. Amar Nath Dutt : It happened at Calcutta Sir, I charge the Government with creating lawlessness and disorder in order to make a case against the Indian people getting responsible government If this be the mentality of the Government of India, do they expect that we can vote for this Demand ? Sir, the Honourable the Leader of the House, who is universally loved and respected, should know all these for he sees through other's eyes Sir, the Executive Government have, to our great regret, turned His Excellency the Viceroy, Lord Irwin, into a Publicity Bureau to whitewash all the misdeeds of their subordinates. They swallow every statement that comes to them from the subordinate officers It is in the interests of these subordinate officials to have lawlessness and disorder in the country , they provoke it and use *lathis* mercilessly I know the Honourable Member on the side of the Government will say in reply that they have other versions of the case They will always have other versions of the case, but they can take it from me that we do not believe that they have really made an inquiry about these matters and have really taken a judicial view of these facts But as they think that it is in their interest to support their subordinate officials, they do what they have done and say that they do not believe the other side of the version which is laid before them Sir, we had this morning from our friend Mr Neogy a detailed account of what was happening at Midnapore What reply has the Honourable the Home Member given to the charge that was made in this House about the conduct of the Sub-Divisional Officer of Cantai ? This Sub-Divisional Officer did not hesitate in arresting even Mr J N Basu, the President of the Indian Association, a position which was previously held by such eminent men as Mr. Anand Mohan Bose, Sir Surendra Nath Banerjee and others, and in company with him our friend Mr Neogy was also arrested. Can high-handedness go further than that ? And you still ask us to co-operate with you and to join you in this Round Table Conference What has made people sympathise with this civil disobedience movement ? It is such misdeeds and misrule on the part of your subordinates that have caused such unrest in the country I know India is not your motherland , I know that you are interested in exploiting India , I know that you will try to continue your rule with the help of your bayonets and arms ; and I know that you have no stake in this country You can go away immediately in your boats when it is unsafe But we, who are the children of the soil, who have permanent stakes in this country, want to have ordered progress through ordered Government. You come with all sorts of sweet words, but in practice you do otherwise Your profession and your action is not the same, and I very much regret that this is so I also wonder how an administrator of the type of Mr. Haig can overlook the real significance of what is happening He was very unkind to me the other day when he said that I disclaimed all acquaintance with him. I did not mean that at all What I said was that he was new to this House I know of his reputation as a just.

[Mr Amar Nath Dutt]

that it is probably the atmosphere, the vicious atmosphere, which is created by not listening to the advice of the representatives of the people Sir, it is regrettable that a sympathetic Viceroy of His Excellency Lord Irwin's type should be misled into thinking that the excesses are unavoidable His Excellency said the other day that there is no doubt on which side the blame lies His Excellency himself, of course, did not inquire nor did the men who advise him about all these things inquire Wherefrom has all this information come ? I know how this information of the Government is collected, when the Government of India ask for any information from the Provincial Government, the Provincial Government asks for that information from the Divisional Commissioner, who, in his turn, asks for it from the District Magistrate The District Magistrate asks for that information from his Sub-Divisional Officer who in his turn asks for the information from the Circle Officers, or the President of the Panchayat Ultimately the Chaukidar supplies the information and then it is communicated to Government That is the evidence upon which the Government charges the people who are carrying on a non-violent war against the Government with violence Violence there has been But violence on whose side ? On the side of the officials It is a fact that at Midnapore, the police officials were rescued by the Congress volunteers You provoked the mob and entered their houses and the shameful story of attacking a girl of 18 years of age has been read out by my Honourable friend Mr Neogy Do you mean to say that any human being can stand and look at it with indifference ? They are bound to protect the honour of their women Unfortunately in the communiqué issued by His Excellency for promulgating the Ordinance we find reference to Midnapore where it has been said that a Sub-Inspector of Police was murdered I do not know whether really a Sub Inspector of Police was murdered or not But if you want to hear the doings of this Sub-Inspector, I think my Honourable friend Mr Neogy can tell you that and your blood will boil if you are a human being Why should even Indian women who are generally behind the purdah come out ? Because your oppression has been such that no decent man who calls himself an Indian, so long as life runs in him, can allow such atrocities to continue Sir, I warn the Government to take lessons from the fate of Ravana, the Rakshas King of Lanka If you persist in this way, if you go on insulting our mothers and our daughters, then there will not be a single Indian left who will be on your side

Sir, the Round Table Conference should be fully representative of all political parties in India Which political party really represents the people ? It is the Congress and Congress alone We may be here, several of us, a minority not believing in a particular portion of the Congress programme, but I think every Indian, whether he be a Nationalist or an Independent or a Swarajist or be he of any other party, I believe all of them support the Congress in its demand for Dominion Status Do you find anywhere in the second volume of the Simon Report the word " Dominion Status " ? His Excellency the Viceroy in October last proclaimed that Dominion Status was the goal. If you declare that we are going to have Dominion Status automatically after passing through a certain transitory period, I think political India will accept that

Mr President : Order, order. I hope the Honourable Member will try to conclude his remarks He has already exceeded his time limit

Mr. Amar Nath Dutt : I will, Sir I was saying, that you ought to have representatives of the Congress, you should declare their names before you can ask us to vote for this grant Then again you ought to grant a general amnesty to all political prisoners That was done in the case of Ireland

Mr. A H Ghuznavi : Then call off the civil disobedience movement

Mr Amar Nath Dutt : I think my Honourable friend knows that even Dr Ansari, an ex-President of the Congress, does not approve of the civil disobedience movement In fact if you grant a political amnesty, they on their side will cease to pursue their civil disobedience campaign

One other thing you will allow me to state I was very much disappointed in finding the following words in His Excellency's speech

" The Conference will approach greatly assisted by the Report "

As I said the other day, this Simon Commission's Report should be treated as non-existing, because the Report of Sir John Simon is nothing but the report of an advocate who was briefed by Members of British Imperialism to support the case for perpetual domination of India, and Sir John Simon, as a clever advocate, has put his case and has not acted as a judge

Sir, an appeal has been made by the Honourable Mr Studd that there should be an atmosphere of peace and goodwill I say certainly there ought to be peace and goodwill, but it must be reciprocal for the well-being of the country and the better advancement of our people

3 P M

You will please lay aside your arrogance, that arrogance which permits of the Honourable Mr Haig to disbelieve all that is said by Honourable Members on this side of the House and to believe and accept the version of his own chaukidar as the more correct That arrogance

Mr President : I hope the Honourable Member will now conclude his observations

Mr. Amar Nath Dutt : That arrogance which has been at the root of so much misunderstanding and ill-will between the British people and ourselves should be put aside, and I appeal to them once more to be more conciliatory and show a change of heart for we are destined for many a long and weary year to work side by side in this country for our common good

Mr R K Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot Non-Muhammadan Rural) : Mr President, I must confess that I was greatly amazed at the first part of the speech of the Honourable the Home Member this morning Both on the floor of this House and in the country outside, serious allegations have been made against the excesses of the police officials and the indiscriminate attacks made by them upon innocent mobs, and we, on this side, expected that the Honourable the Home Member would give some convincing reply to these

[Mr R K. Shanmukham Chetty]

allegations made at least on the floor of this House, and instead of doing that what has he done? He has taken up the amazing position that the Government of India are not expected to know the details of all the incidents that are going on in the provinces and that Provincial Governments must be referred to for a detailed explanation of these things When my Honourable friend, Mr Neogy, challenged him with a report that he, along with certain other respectable citizens, had produced, the Honourable the Home Member had nothing more to say in reply, but that it was for the Bengal Government to answer these allegations. I thought, Sir, that though the subject of law and order was primarily the concern of Local Governments, it was the Government of India in this country that was ultimately responsible for the maintenance of law and order If in normal times, it is the duty of the Government of India to maintain law and order, the duty becomes much more important in a time of crisis like the one through which we are passing I would like to ask the Honourable the Home Member to say, on behalf of the Government of India, whether, when they were faced with this serious crisis three months back, they gave any definite instructions to the various Local Governments as to the methods to be pursued in suppressing the movement of civil disobedience, or whether they gave a free hand to the Local Governments to deal with the movement as they liked in their own provinces We came to know from the Press that the Honourable the Home Member himself very rightly paid a visit to Bombay, the centre of the great agitation, and conferred with the Local Government in the matter Now, are we not entitled to ask whether the Government of India have a definite policy in this matter? Or, is the handling of the situation left to the various Local Governments in their respective areas? That is certainly not an unreasonable question to ask of the Home Member in a time of crisis like this As my Honourable friend Mr Neogy said, the very presence of some of us in this House is convincing proof, if proof were needed, that we entirely dissociate ourselves from the civil disobedience movement But, Sir, if the civil disobedience movement has resulted in creating a feeling of intense bitterness throughout the country and if it has gained a momentum which none of us expected that it would gain, during the last three months, it is to be ascribed in a very large measure to the methods pursued by Government in handling the movement Sir, Government should not be blind to the facts of the situation What is it that they see in Bombay today? It is not merely the professional agitators that have created trouble It is to some extent the sympathy and the passive acquiescence of the great commercial communities of Bombay that have resulted in that city being plunged in disaster and ruin Men of sobriety, men of judgment, men who have got an immense stake in the country, have come to look with horror upon the methods pursued by some of the over-zealous officials in the various provinces in dealing with the civil disobedience movement Surely it is up to the Government of India to convince at least those who do not associate themselves with this movement that, in suppressing this movement, Government will follow methods which will commend themselves to citizens who value liberty and the maintenance of law and order Sir, it seems to me that the mentality of Government is something like this They are faced with a serious situation and they evidently feel that even

if the police officials commit certain acts of excess and if the Government of India or the Local Governments take the respective officials to task, it will be a sort of indirect encouragement to the civil disobedience movement. That seems to be the mentality of the Government of India and the Provincial Governments, which makes them shut their eyes entirely to the various allegations that have been made about the police excesses and the indiscriminate attacks by police officials on the mob I for one would stand on the side of Government in all the legitimate methods employed for suppressing the movement, which is the very negation of orderly and peaceful Government But surely Government cannot expect law-abiding citizens to come to their rescue when they pursue methods which cannot commend themselves to such citizens In the city of Madras itself, which underwent some amount of trouble, not of course comparable to the extent to which Bombay was subjected, such a sober body as the Corporation of Madras thought it their duty to pass a resolution condemning the excesses of the police officials on a certain occasion and asking Government to institute an impartial inquiry into the allegations The members of the Corporation of Madras are not professional agitators They are interested in maintaining the civil tranquility of the province for the purpose of local administration itself And what was the answer given by Government to this very reasonable demand of a body like the Municipal Corporation of Madras ? Government gave no heed to it , and subsequently when the Report of the Police Commissioner of Madras City was published, the Government of Madras, without instituting any sort of an impartial inquiry, commended the Report of the Police Commissioner to the public and endorsed all that the Police Commissioner had said That, Sir, would certainly enrage a man who would otherwise be on the side of law and order I would ask the Honourable the Home Member to realise that he must face the situation boldly and pursue a policy of conciliation because the atmosphere in which the Round Table Conference is to be held must be one of mutual goodwill if the result of that Conference is to be a success

Sir, while I was surprised at the first part of the speech of the Honourable the Home Member I welcome the conciliatory spirit of the second part of his speech He pointed out that we are passing through a period of tragedy and misunderstanding and suspicion on both sides, and he said that the present national movement is merely an appeal to the moral sense of the British people and he felt confident that that appeal would not be in vain The Honourable the Home Member ventured to think that this suspicion and misunderstanding was the result of our reading or misreading of the Irish history But let me tell him, Sir, that it is not merely the Irish parallel but what took place in our own country in recent times that has created this suspicion and misunderstanding I am one of those who are of opinion that it was a great pity that, in December, last, the Congress should have rejected the offer of His Excellency the Viceroy to go to the Round Table Conference Sir, when the historic pronouncement of the Viceroy was made in October, last it gave encouragement and hope to many of us, but what are the incidents that subsequently followed that historic announcement ? The speech of the Noble Earl, the Under Secretary of State for India, the fulminations and the outbursts of Lords

[Mr R. K Shanmukham Chetty.]

Birkenhead and Reading and Mr Lloyd George in the British Press and in the House of Lords

The Honourable Sir George Rainy (Member for Commerce and Railways) Sir, the Noble Earl whom the Honourable Member refers to was not, I think, at that time the Under Secretary of State for India

Mr. R. K. Shanmukham Chetty . I am referring to the period subsequent to the making of the October announcement by the Viceroy and I referred to Earl Russell who was at that time the Under Secretary of State for India and who, when his dog died or was dying, made that speech which dispelled the hopes created in us by that announcement

The Honourable Sir George Rainy . The Honourable Member is quite right , I am sorry I misunderstood

Mr R K Shanmukham Chetty : These incidents shattered to some extent the hopes that some of us entertained as a result of the great pronouncement of the Viceroy made in October last , and to crown all these disappointments, came the Report of the Simon Commission Sir, the members of the Royal Commission, in the concluding part of their Report, make a fervent appeal to their Indian fellow-subjects to do them the courtesy of studying their Report I am sure many of us have already shown that courtesy or are engaged in showing that courtesy, and as a result of the study that we have made, we have no hesitation in saying that the recommendations contained in this Report are wholly unacceptable to any section of Indian public opinion The fundamental defect of the Simon Report is, in my opinion a lack of appreciation on the part of the Commissioners of the true scope and function of their work In paragraph 363 they reiterate what they stated in the first paragraph of their Report They say

"We will venture to repeat words which we used in the first paragraph of our former volume when we wrote that we were entering upon our task upon the basis and assumption that the goal defined by Mr Montagu represents the accepted policy to be pursued and that the only proposals worthy to be considered are proposals conceived in the spirit of the announcement of 20th August, 1917 and inspired with the honest purpose of giving to it its due effect"

Sir, in laying emphasis on the pronouncement of 20th August 1917, and in conceiving their duty to be to frame recommendations within the spirit of those proposals, the Commissioners have failed to take note of a great event that happened subsequently—the famous pronouncement of the Viceroy in October last The Viceroy, speaking on behalf of His Majesty's Government, assured us that the logical sequence of the policy contained in the declaration of August 1917, was the establishment of a Dominion Status constitution in India , but to our utter amazement, the Commissioners have entirely failed to take note of this great pronouncement of the Viceroy Sir, I went through the various papers that the Commissioners have published, and so far as I have been able to look through the volumes, even the text of the Viceroy's pronouncement does not find a place in the various appendices published by the Simon Commission. That shows, and to me it is an evidence, that the Commissioners, when they wrote their Report, were not fully alive to the implications of the task to which they had been called If only they had interpreted the announcement of 1917 in the

light of the pronouncement made by His Excellency the Viceroy on behalf of His Majesty's Government, the Report and its recommendations would probably have been very different from what they are But fortunately for us, we have been assured by His Excellency the Viceroy the other day that the Statutory Commission's Report, however important it might be, will not be the last word, neither would it be the sole basis of discussion at the Round Table Conference and it is because of that assurance that I joined with some of my friends on this side in issuing an appeal to my countrymen to participate in the Round Table Conference and not to miss this great opportunity of coming to a settlement with the British Government Sir, many who are keeping aloof from this Conference are doing so in a spirit of despair and some in fear Some are afraid that it is a trap, but I am actuated by a feeling of hope rather than of fear , for I remember a saying that if hopes are dupes, fears may be liars , and we have ventured to advise our countrymen to participate in this Conference in the confident hope that His Majesty's Government and the British people have now come to realise the strength that lies behind India's national demand, and that the time has now come for them to realise once for all, that if a settlement is not arrived at at the Round Table Conference, it will be a bad day both for England and for India

Mr C V Venkataramana Aiyangar (Madras Indian Commerce) Sir, it is my duty to oppose totally this grant, and in doing so I believe I shall be a member of a solitary party—probably the leader and the follower as well But I shall give some reasons as to why I decided to speak on this point, though when I came here this morning I had no idea of taking part in the discussion or in the voting I represent the Indian Commerce of the Madras Presidency, and I am sorry to see that all the speakers so far, more or less, suggested that the civil disobedience movement is entirely due to the Congress and that the Congress Party and its followers alone are responsible for the civil disobedience movement But thanks to the gross and serious mistakes committed by the Government, in the economic as well as in other public spheres, all the traders, manufacturers and bankers of this country have been driven out of co-operation and have joined in sympathy with civil disobedience It has been very well said that they have done so because for the last ten years the Government have been ruining them, ruining every vested interest in this country, by their actions and therefore having no hope of getting any remedy at the hand of this Government, these men have simply run into the hands of the civil disobedience people in the hope that they might have some chance of thereby getting out of their troubles Look at these ten years and it is enough to convince you, Sir, how these business men have been ruined During these ten years shares have fallen down to 25 per cent of their former value , the money has flown out of the country and the prices of foodgrains have gone down to pre-war levels That is the reason why the business men of the country have practically revolted against this Government In my opinion, to say now that the Round Table Conference will be of any use whatsoever to us is only imaginary

Let us first of all see whether this is the time when we should go to the Round Table Conference and examine the place where it is going to be held and also the conditions under which we are asked to go as well as the persons who are to be invited We were originally told that, so

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far as the Indian leaders were concerned, if there were any agreed proposals, the Government in England would give effect to them That was the understanding on which the Round Table Conference was originally proposed We had our own doubts and our doubts have now been strengthened We were originally told that there should be agreement among ourselves , but now we are told that we should take the parties in England also with us , and if there is one thing which is most retrograde and reactionary—if I may speak with submission—in His Excellency's speech, it is this, that it says clearly that if all the parties in England and India come to some understanding, then they will use that as the basis of some legislation which will be placed before Parliament What are the parties that we have to meet there ? We have not so far been told as to who will be the members of the Conference from England, but we have no doubt whatever that people like Sir John Simon will be there, people like the ex Secretary of State, Lord Birkenhead, will be there and that people like Sir Michael O'Dwyer will also be there No doubt my friend, Sir C P Ramaswami Ayyar relies upon the justice of his case Probably he thinks this is one of his cases where he has to deal with impartial judges, and after winning the case he can put into his elastic pocket currency notes and cheques of large values But I ask him, is the condition of having an impartial judge fulfilled in this matter ? The Viceroy has warned us that there should be an agreed arrangement between the parties, including the English parties as well as Indian parties—that is very clearly hinted at, though not clearly said, and that dashes all our hopes of getting anything at all in the Conference So far as we are concerned, these proposals are absolutely useless Today we read in the papers that the Labour Party escaped a narrow defeat by a majority of three , and the statement that was expected to be issued by the Labour Premier on the 9th has been postponed, evidently because he could not come to any terms with the other two parties, and I am sure they will never come to an agreement unless he agrees with what they say The Labour Party will have to go to the other parties for the sake of their pockets and their position and power and agree to their terms

In these circumstances, what can we expect ? Can we expect anything from a Labour Ministry in which two members recently have been promoted to Ministers, members who unreservedly agreed to the unanimous Report of the Simon Commission ?

I expected that some suggestions would be made here in this House as to how we could take Congressmen and others into this Conference By a clever strategic move, the Honourable the Leader of the House included the Simon Report within the scope of this proposition If the Government had been fair and honest, they should have placed the Simon Report before this House The money for this Commission was paid by this Government and therefore, in all fairness and honesty, they should have presented the Report to this House and invited a discussion But they are cowards and they do not want to take that course because they know what the result would be , they know that this House would unanimously throw out the Report But unfortunately, our leaders were side-tracked into the question of the Simon Report. We all shunned the Commission and we now see it contains nothing but scorpions We wanted bread and they gave not even a stone but scorpions. Every page of this Simon Report is full of stings ; touch it where you will, a sting is there. All our leaders

have unanimously condemned it, and by the course now followed, we are simply playing into the hands of the Honourable the Leader of the House who has laid a trap for us I go further now, Sir, and throw out some definite suggestions which I place before the Government and before this House as to what should be done to bring Congressmen into this Conference

Mr M. A. Jinnah But why not smash the Report by a direct vote against the Demand ?

Mr C. V. Venkataramana Aiyangar They do not care a copper pie for your vote Can Mr Jinnah assure me that, by voting for this cut, he can bring the Government round to agree with him ?

Mr M A Jinnah My interruption meant that we can destroy this trap by supporting the cut and recording our verdict that we condemn the Simon Commission's recommendations

Mr C V Venkataramana Aiyangar I do not agree with the first portion of my Honourable friend's statement He says he can destroy this Report by the cut How ? How can you do it ? The Report is there Our learned Deputy President had so many hopes of getting something from the Simon Committee, but all his hopes have been shattered to pieces What I want to say, Sir is that we should not have touched the Simon Report at all, and but for the interruption of my Honourable Leader, I wanted to say, let the Government give us an assurance that at least on one point they are at one with us on the Simon recommendations if we carry a resolution about it in this House His Excellency told us the other day most clearly that this Report will form an important basis. Whether this will form an important or unimportant basis, and if I can prophesy, Sir,—I do not claim to be prophet—I am sure that the Simon recommendations will become the only outcome of the Round Table Conference with some crossing of the " t's " here and dotting the "i's" there I must warn this Government, as some of my leaders have already done, that it is futile for them to believe that they can crush the present civil disobedience movement His Excellency the Viceroy has been unfortunately advised that there are two roads to peace, either we should crush the movement or we should abdicate No, Sir, there is a third alternative which all sensible men should adopt and that is conciliation because the more you press the spring the more is the material ready to jump up An attempt has been made to describe the civil resisters as mercenary people, but it is absolutely incorrect People have gone to jail in very large numbers, and I must confess that at least a very large majority of them belong to very respectable families Old and young, male and female, rich and poor, employed and employers, have all gone to jail, and more are ready to go And what is the primary cause of that ? It is the repressive policy of the Government Now, Sir, it was pointed out by the Honourable the Home Member that the Congressmen are defying the law and that law and order must be maintained May I ask the Honourable the Law Member to tell me under what provisions of the law a policeman is authorised to beat a person who disobeys the law ? Sir, the Allahabad High Court has recently held that no policeman has got a right to beat anybody who disobeys the law, unless he threatens his life or causes some grievous assault Therefore Sir, I may tell this House that the doings of the police in using the *lathis*, etc, have all been illegal The High Court of Allahabad has recently upheld the conviction of a police constable and a fine of Rs 2

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for beating a non-violent person By all means you can pass Ordinances signed by the Viceroy and say that any policeman can beat any person, and tell us that it is the law, it is an Ordinance You have passed so many Ordinances recently, but you have not dared to put even one of them before this House, though a pigmy House as it is called

Mr President I would remind the Honourable Member that he has got only two minutes more

Mr. C V Venkataramana Aiyangar: Thank you, Sir Now, I shall make a few suggestions to bring about a better and more satisfactory state of affairs It has been said by His Excellency the Viceroy and by everybody else in the world that there is no use of holding this Round Table Conference unless it consists of all parties It is also admitted Sir, that the Congress Party is a very important party It is also feared Sir, that unless the Congress members take part in the Round Table Conference, any decisions that might be arrived at by the Conference will share the same fate as the Simon recommendations have shared in the country Therefore, Sir, I want this Government to have some imagination If the Government are wise, if they have learnt anything during the last three or four months, let them at once release all political prisoners They are not people who will do any violence If they do not come to any terms, whatever they may be, then you have the power and the right to put them in jail again But the invitation in this case should come, as it had come in the case of Ireland, from His Majesty the King, who is the only person, I think, who can at present command the respect and confidence of all parties in this matter It is he who should extend the invitation, because judging from his speech which was made at the opening of the India House the other day, it was as clear as daylight that, though he has been made silent regarding details, by his advisers, still every word of his speech breathes sympathy and a desire to do good for India, both future and present Therefore, Sir, my appeal to the Government and to those who are to go to the Round Table Conference is that they must insist upon the invitation being issued to the Congress leaders by His Majesty We know who Mr Gandhi is Only the other day I was reading an extract from a New York paper which regretted that the most civilized Government in the world should not have been able to come to terms with such a good and fair-minded person as Mahatma Gandhi, and instances were given to show that, when the plague broke out in South Africa, he recalled the civil disobedience movement Then again when the Boer war broke out in South Africa, he recalled this movement, and again when the great German war broke out, he did not want to do anything which was calculated to hamper the Government Therefore, Sir, Mahatma Gandhi is a man with whom you can safely and confidently deal in bringing about an amicable settlement in this matter First of all, let us have a Round Table Conference in India itself, and the only person who can preside over it is His Excellency the Viceroy If the Viceroy of India can get together a few people from all parties and discuss the matter thoroughly with them I am sure there will be unanimity of opinion on some of the complex problems so far as this country is concerned, and then it will be time, as was done in the case of Ireland, for the representatives of India and the representatives in England to meet at a Round Table Conference and discuss the various issues, and I am sure, if this is done, even the diehards and others

will look into the reasonableness of our demand and agree to a satisfactory settlement As I said, you cannot crush any people Even supposing you succeed in arresting the progress of the movement for a time by some of your barbarous methods, it will again revive with greater vigour and greater force I say it is quite impossible to crush or stop the present civil disobedience movement, because partly you are yourself responsible to spread it by adopting some of the barbarous methods Look at Poland. Look at Egypt Look at Ireland Look at Alsace Lorraine No one could crush the internal movements there Therefore, I say, grant a general amnesty to all people, and unconditionally release all political prisoners Let the invitation go to leaders like Mahatma Gandhi and Pandit Motilal Nehru, and if you follow this course, I am sure that something can be done Sir, just before the arrest of Pandit Motilal Nehru, we had fond hopes that something on the lines of what Mr Jayakar said this morning was going to be done , we heard from private sources that something by way of co-operation by the Congress people was in contemplation In fact, Sir, some of us Congressmen in Madras sent an appeal to Pandit Motilal Nehru to pass a resolution in the Congress Working Committee on the lines that have just been adumbrated by Mr Patel Sir, there is no hurry about the Round Table Conference This is a moment when it is impossible to convene a Round Table Conference if you want to achieve any fruitful results, and therefore I appeal to all those who have been invited to the Round Table Conference, and to those who have just now issued a statement to the Press, to ask His Excellency the Viceroy to postpone the idea of the Conference for some time to come, to grant a general amnesty to all political prisoners so as to create a favourable atmosphere, to invite Mahatma Gandhi and other respected leaders to the Round Table Conference, and then to appeal to His Majesty himself to extend his invitation to the people here Unless and until this is done, I can assure the Government here that there can be no hope of achieving any fruitful results in any conference

Mr. President : The Honourable Member has exhausted his time

Mr C V. Venkataramana Aiyangar Thank you, Sir I have nothing more to say

Nawab Sir Sahibzada Abdul Qaiyum (North-West Frontier Province Nominated Non-Official) Sir, I think I must say a few words on the subject before the House in connection with the Simon Report and the Round Table Conference, because reference has been so often made to the North West Frontier Province in the course of this debate But at the very outset I must confess that I have not thoroughly studied the whole Report and I cannot pass judgment on the Report as a whole It may be a good Report or it may be a bad Report ! Perhaps it is a bad Report, because it has been generally if not universally disapproved, but possibly it is a good Report because it has not pleased or fully satisfied anybody in the country It has criticised every thing and has exposed the difficulties that stand in the way of the further constitutional progress of the country as a whole It has thereby pleased neither one section nor the other, and if the old saying is true that an impartial judgment is not pleasing to both parties in a case, then perhaps the Report is a good one But as far as I can see, it has certainly done some good in one way, and it is that some of the leaders of the majority community were waiting for the issue of that Report before they should meet

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and settle their differences with the minority communities They perhaps thought that, if something better came out of the Report for them, they would escape the recognition of some of the rights and privileges of the other communities or meeting their wishes But the Report must have disillusioned them of a good many things, because it says that the question of India is really the question of the minorities or of the settlement of the disputes of the various communities inhabiting India If that is so, and I believe that it is really a question of the minorities, then, there is still time for the leaders to put their heads together and settle those differences before they go to the Round Table Conference There is plenty of time to do that, if they have been disillusioned that there can be no Dominion Status, no Independence and that nothing extraordinary is coming to this country except what is given in that Report, unless and until these difficulties, these obstacles and these differences have been removed from the way If that is so, the Commission have done us a good turn in that respect They have told us practically, "Do not expect anything unless you settle these differences" Sir, it is in that light that I consider the Report a good one!

Well, Sir, as I have said before, I cannot pass judgment on the Report as a whole, but I will confine myself to that part of it which concerns my province, the unfortunate North West Frontier Province I have gone through that part of the Report very carefully and I have studied it well, because it affects me and my province Sir, I must confess that I find it most disappointing, and I assure the House, both sides of the House, that it has created a great discontent in our province, a discontent which is likely to aggravate the already serious position in that province When I say that it has disappointed us, I do not mean that we have not got all that we expected What I mean is this, that the Report has put us in a worse condition than at present we are in That is my reading of the Report, because instead of securing the cooperation of the people, it has tried to strengthen the hands of the administration At present we are linked with this House in some ways, and if I am not in a position to defend the rights of my province effectively, there are others who generally take up our cause and defend it on the floor of this House, though very often the reply to their interpellations and questions is that the information is being collected and will be communicatetd to the Honourable Member in due course! But, under the proposed conditions, the position will be worse, because if that nominal Council is set up in our province, the reply to such questions will be that these are local matters and must be brought before the local Council The money part of our relations with this House will, perhaps, by some statute, be solved and the House will not have that control over it that it has to some extent now So, reading the Report in that light, I think our position will be worse under that Council than it is at present No doubt the province will be represented in this House, but only by men of my type, that is, nominated, and not elected I do not think that will be a very great improvement

Well, Sir, the difficulty of the Simon Commission in the way of giving equal rights to that unfortunate province is put in a funny sentence which they have penned in their Report It is something to the effect that it is the inherent right of a man to smoke, but he must be

careful when he is lighting a match anywhere near a gunpowder magazine That is quite right, but I should like to know something more definite about the meaning of that sentence There is a gentleman, an Honourable Member in this House who had some connection with the compilation of that Report, and I hope he will throw more light on the meaning of that sentence Let it be granted that the North West Frontier Province is a gunpowder magazine and that we, the unfortunate inhabitants of that province, have the inherent right to smoke, and that we must be careful not to use a lighted match, then do I understand that these reforms are like lighted matches and will set the North West Frontier on fire if extended to that province ? I thought they were going to civilise us I thought they were going to improve our position and to bring us out from barbarism to civilisation Perhaps the Government have got some experience of these reforms in the rest of India, where they have proved to be lighted matches, I mean in Madras, Bengal, Bombay, etc , and they perhaps think that, if they were to apply them to our province, they would result in a conflagration in the country If that is the position, let them say so and we shall not be sorry for losing these reforms, but we shall expect them to be withdrawn from the rest of India too Sir, we are just as good or bad citizens of India as others are We have no horns, no tails, nothing else different from the rest of India We are quite robust and good looking people , and when I see all sorts of civilising institutions, from high class university colleges down to the lowest primary schools existing in our country and when I see that many of our boys in the all-India competitive examinations come out successful as debaters and scholars, and when we can produce 66 per cent success in the M A examination of the Punjab University in Mathematics, I cannot bring myself to believe that we are in any way backward as compared with the rest of India The Government have got figures and they can compare them and see whether we are backward in education as compared with the rest of India or at least with western Punjab , whether we are worse in criminality even than certain other parts of India, for example, Bengal, and whether we have ever committed any political dacoities, such as are prevailing in Bengal, etc If there are any dacoities in our country, they are simply for gain, but not for political purposes Sir, we are very practical people and can well run the reforms

Well, I know that my time is limited and I must be brief But I must ask once more why this difference is being made between us and the rest of India I must ask the Government whether the introduction of reforms in our province will render us more turbulent, whether it will affect the foreign and Imperial policy of the Government of India, the forward or backward policy of the Government of India or whether this will affect any Imperial issues like fiscal autonomy and so on. Will not the Foreign and Political Department and the Army be still reserved subjects throughout India ? Suppose the Government of India were to punish one of the frontier tribes, as they have been doing in the past, will they be prevented from doing so by us ? Have we not always helped them against our own brethren ? Have we not got decorations for such services ? Have we not taken part in the three Kabul wars, and have we not got high class appreciation for our services during those wars ? Have we ever sided with our kinsmen on the border, or across the border in Afghanistan, whenever there was trouble

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in those parts ? On the other hand you can see the Indian mentality of the frontier Pathan He is always taking an active part in any movement which comes from the south, like the monsoon Look at the Rowlatt Bill movement Look at the Hijrat, the non-co-operation movement of 1920 and now this unfortunate and ill-advised Congress movement Our sympathies have always been with the Indians, and for the last 80 years we have proved ourselves true Indians with Indian mentality We were part and parcel of the Punjab even under the Sikh rule Can you say that we were not part and parcel of the Punjab during the Sikh and the Durani rules ? Who has changed his mother tongue in the matter of elementary education except the frontier Pathan ? We get our elementary education in Hindustani instead of in Pushtu So I do not know what difference there is between us and the rest of India, and why the poor Pathan should be fighting for his ordinary rights of Indian citizenship, rights which are given to the Bhils in Central India and the depressed classes and the untouchables in the south of India without their even asking for them Why should we have to shed our blood for those ordinary rights ? Suppose there is a forward policy and the Government of India were to take an expedition against some frontier tribes or Afghanistan shall we stand in their way, if we are given a reformed Council ? Shall we say that we will not allow you to cross the Indus and take your troops across the border ? Shall we stop you at the Attock bridge and say, " No, you must not go " even if the rest of India are to supply you the men and the money for such expeditions ? Will that be the difficulty you anticipate ? Can we stop you from opening new roads and communications in the province or force you to remove your cantonments ? Suppose the rest of India refuses to supply you with the men and money for such expeditions, will you be able to carry out these expeditions even if you were to commandeer and force the whole population of the North West Frontier Province under martial law to help you ? No, Sir, the introduction of reforms will not harm the Government in the least On the other hand they will make us contented and more Indian than we are at present and we may prove more useful to the Government of India But on the other hand, if you are showing us a step-motherly treatment, I do not know what will happen I do not know if we deserve this step-motherly treatment ! Sir, a reference was made by my friend, Maulvi Shafi Daoodi, in his speech to the effect that the present troubles on the frontier were due to the Sarda Act (*An Honourable Member* " Immediate cause ") I can assure him that the Sarda Act is very little heard of in the North West Frontier Province Whether the Congress or the Khilafat people have excited the people of that province over the Sarda Act or not I cannot say, but I can assure the House that it was one of the subsidiary causes, and a very minor issue, if an issue it was, and that the main cause was the great disappointment of our people in the matter of constitutional advance The Sarda Act reminds me again of the sentence used by the Simon Commission Did the Government of India, before applying the Sarda Act to the North West Frontier Province ever think that the lighting of that match would set the gunpowder magazine ablaze ? If they had these scruples and fears of gunpowder magazines in their minds, they would not have applied that Act to the North West Frontier Province The application of reforms to that province is not really so dangerous to

the safety of that province as the application of the Sarda Act or the Income-tax Act or the Land Revenue Act, or various other laws of taxation, which really touch the people Why do not they think twice before applying these taxing enactments to that province ? If those people can bear all these taxes and all those enactments, including the Sarda Act, surely they can put up with this evil of reforms also

Well, Sir, I will not deal with the actual composition of the proposed Council in detail It is to be half elected and half nominated, presided over by the Honourable the Chief Commissioner But elected from among whom and by whom ? Well, from and by the people, who will themselves be nominated to a great extent if not wholly Have we gone down lower in our fitness for reforms since 1922, when the Bray Committee, with a more elaborate inquiry, suggested a better Council for us ? Moreover, a new element will be brought into our Council and that is the *ex*-soldier I remember how that happened On the 18th November, 1928, I saw a coupe of *ex*-soldiers coming up with their old uniforms anxious to appear before the Simon Commission We thought that these people must be making a request for a share in the grant of the Punjab colony lands, which is their general request or grievance But I did not then know that the *ex*-soldier was going to be a great factor in the future constitution of the North West Frontier Province, and that these soldiers were going to have a separate constituency Well, Sir, the Simon Commission have perhaps copied *in toto* some memorandum which was handed over to them by some one on the spot and their Report about the North West Frontier Province does not seem to be based on the result of the inquiry made by them, so much so that their Report quotes an incident which happened a year later They refer to the unsatisfactory results of some elections which took place in a certain municipality, the year after their visit to the North West Frontier Province and quote that in support of their point That information must have been supplied to them by somebody else ! (Laughter) Well, they did not even perhaps change a comma in the memorandum that was handed over to them Sir, to tell you the truth, the Simon Report has created a great discontent among our people, who feel that they are deprived of the ordinary rights of Indian citizenship, rights, as I have said before, that are being enjoyed in the rest of India even by the depressed classes and the untouchables, and it is this that has brought about the trouble on us Sir, up to the time the elections in the municipalities were postponed in November, 1929, very few people had joined the Congress It was after the elections were stopped, that several people joined the Congress at Lahore in December, 1929, because the Congress happened to be the only organization in India, which, according to the Nehru Report, had held out hopes of equality to the frontier people with the rest of India I do not know whether they will be really given that equality when the time comes or whether it would prove a mere scrap of paper when the Swaraj comes, but still it was a great allurement to them and that is why some of them joined the Congress Of course, some of them have now adopted civil disobedience and various other Congress methods and must suffer for them But we are very sorry that they should have been driven to that extreme As regards the consequences, they have nothing to grumble about Well, some of the frontier people might have been under the impression that perhaps they were treated rather differently from the rest of India in the matter of punishment for their civil disobedience But from what I have heard

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this morning from other speakers they cannot have much grievance on that account (Hear, hear) Perhaps, the law is the same, and men who follow the cult of disobedience must be punished in the way which such disobedience deserves

Mr M A. Jinnah : So equality is maintained in this respect

Nawab Sir Sahibzada Abdul Qaiyum : Yes, we have been allowed equal rights with the rest of India in this respect if not a little more Well, Sir, these are the remarks with which I shall now close, but I must say once more that my friend, Maulvi Mohammad Shafee Daoodi was not quite correct when he said that the chief cause of the trouble on the frontier was the Sarda Act, the chief cause of the trouble was the disappointment of the people over the reforms, and nothing will satisfy them unless they are put on terms of equality with the rest of India with respect to the reforms (Applause)

Mr. M. R Jayakar : Sir, I rise on a point of correction with reference to the interruption which was made by my Honourable friend, Mr Jinnah, when I was speaking in the morning, in which he said, with reference to my statement, that a number of very aristocratic families in Bombay had taken part in a certain procession, that my information was wrong Here I have in my hand a copy of the *Bombay Chronicle* of the 7th July In its editorial article under the heading "United Front", this is what it writes (after referring to an important meeting held in Bombay under the presidentship of Mr Vallabhbhai Patel) 4 P M

"It was a largely attended meeting and was followed by a procession which, significantly enough, included, among other prominent Parsis, Lady Petit, Lady Jamsetjee Jeejibhoy, Mrs H P Mody and Mrs Talyarkhan The processionists marched to Dadabhai Naoroji's statue and laid a wreath at its feet"

So my information was not incorrect

Mr. H. P. Mody : May I tell you, Sir, and Mr Jayakar that Mrs Mody was *not* in the procession For one thing, she dislikes walking

Mr M. A Jinnah : May I also point out to my Honourable friend that, when I made the correction of his statement, his statement was very different. He referred to what had appeared in the newspapers and he relied upon that All that I said was that that information was given to the papers by somebody without an authority and that Lady Petit had actually contradicted it in the next issue of the *Times of India*, and the latter paper expressed its regret that the information supplied to them was false

Mr M R Jayakar I was referring, Sir, to political intensity of feeling, and

Mr. President : Order, order I think what has been said is enough

Mr M R Jayakar : The point, Sir, of my remark was that ladies of very aristocratic families, who would not have otherwise joined any political procession, had taken part in a procession

Mr M A Jinnah : But that is untrue

Mr. M. R. Jayakar : This shows it, Sir, unless this Bombay paper lied..

Mr M. A Jinnah : There are many papers that he

Mr. M. R. Jayakar : or was wrongly informed It clearly shows that the procession did take place, and in that procession the persons I referred to took part

An Honourable Member : What is the paper ?

Mr M. R. Jayakar : The *Bombay Chronicle*

Dr. A. Suhrawardy . That shows what reliance can be placed on the *Bombay Chronicle*

Mr President : Colonel Gidney

Lieut.-Colonel H. A J. Gidney (Nominated Anglo-Indians) Sir, after this domestic quarrel has been settled it seems to me that I may be permitted to proceed with my speech The main purpose of this Demand and of this Motion for a cut of Rs 100 is to afford this House an opportunity to give form and reality to the Round Table Conference

(At this stage, Mr President vacated the Chair, which was taken by Mr Deputy President) (Applause)

I also take it, Sir, as accepted that the Round Table Conference was the outcome of a proposal made by Sir John Simon I can quite understand Members of the opposite side not being desirous of discussing the Simon Report on the floor of this House. Indeed, I think they are right in refusing to do so because we have His Excellency the Viceroy's assurance that the Simon Report will form one of the items on the agenda or terms of reference of the Round Table Conference, and I submit that that conference is a more suitable place for the discussion of the Simon Report than the floor of this House But the Simon Report, Sir, is before the world and occupies the centre of India's political stage and, as such, it cannot be brushed aside and scrapped nor can it be discounted or overlooked I think that a discussion on this Report would be much better conducted among the various communities, or Parties or Associations Any criticism now is inopportune and untimely Let us reserve it for the Round Table Conference, along with other Reports And so, Sir, I do not propose to deal with the Simon Report in my speech today, except to refer to the remarks that fell from Mr Jayakar about Sir John Simon stating in his Report that when it was drafted he was uninfluenced by the present political situation in India Mr Jayakar tried to imply that this admission had reference to the present state of lawlessness and the political condition in Bombay and which Sir John Simon should have considered in his Report My reading of the Report is that Mr Jayakar's interpretation is wholly wrong and that paragraph was written with the express purpose of showing to those diehards who consider that the handing over of law and order to the provinces was a dangerous recommendation that the Simon Commission were prepared to do so despite the present day political unrest and lawlessness in India, the inference being that had the present unsettled condition of India been considered by the Commission, it would not have made such drastic proposals and recommended the handing over of provinces of law and order Sir, speaking on behalf of the Anglo-Indian Community one of the minority communities,—and I feel sure I have the support of my Honourable friends, Mr Raja, and the Reverend C Chatterjee representatives of the depressed classes and Indian Christians—I can assure the House that we are desirous of taking an

[Lieut.-Colonel H. A. J. Gidney.]

honourable part in the Round Table Conference should we be asked to participate. We are also desirous of stating here, in clear and unequivocal terms, at least I am, that we are not prepared to agree to any Pact which has not got as one of its primary and main objects the permanent safeguarding of the interests of the minorities—economic, social and political. We demand honourable terms, otherwise we shall refuse to accept any agreement at the Round Table Conference. When I use the term minorities in its constricted sense, I do not include the majority of the minority communities, the Muslims, because being about 70 millions strong they are really a majority in themselves and therefore can guard their own interests very well. We, however, earnestly hope we shall not be left the dregs of any settlement that may be arrived at at the Round Table Conference. In your desire to emulate Ireland, I hope you will learn from her lessons and not create any Ulsters. Sir, my conception of the Round Table Conference is a collection of genuine representatives from India, men who are fired with the enthusiasm of coming to an amicable settlement and are imbibed with the spirit of give and take, and are not wedded or tied down to inflexible ideas. Further, the representatives of that Round Table Conference must have a true conception of their powers and their status. After all, it must not be forgotten that the British Parliament is above all and has not abdicated and that it still functions. We are not to look upon ourselves as plenipotentiaries going to the Round Table Conference to demand terms nor are we to look upon the Round Table Conference as a Second Versailles. His Excellency the Viceroy made it abundantly clear that we would participate in the deliberations of the Conference as equals. Unfortunately the view is held by some sections of political thought in India that the Government of India is beaten and must submit to terms and they will participate in the Conference only if these terms are accepted. Sir, one has to remember always that the British Parliament is the final authority and that it is willing to listen to and be guided by the consensus of opinion of those who appear with it before the Round Table Conference, I go further and assert that if we are able conclusively to prove to them that the unanimous demand of India is for Dominion Status, the demand will not fall on deaf ears. It requires very little political acumen to realise how hopeless will be our fate if we appear before the Round Table Conference as dictators and make impossible demands. It must be remembered that the Round Table Conference is not an executive or a legislative body, it is entirely a deliberative and advisory body. Unfortunately, Sir, the refusal of Indian politicians to realise this fact is, in my opinion, the *raison d'etre* of the present political unrest and I would add that in no statement or utterance is such a conception to be found. By their non-co-operation it is true we are deprived of the assistance of the Congress Party and I feel sure everyone in this House would be glad if it could send representatives to the Round Table Conference. Though they have denied us their co-operation one is prevented from accusing them as they are in jail and unable to defend themselves. But, what have the other leaders in India done to solve this deadlock—this *impasse*? What have the Liberal leaders in India done? Their inability to deliver the goods was the means of the very ignominous death of the All-Parties Conference. They were absolutely unable to deliver the goods and admitted their impotency. The minority communities were prepared to enter into a pact with these leaders, but they fought shy and yet, in this House, these

same leaders claim to represent the masses and peoples of India and are ready to blame and warn Government and issue manifestos demanding terms which amount to an abdication of Government If these leaders desire to do a service to India, let them stop issuing manifestos, form themselves into a committee and, together, visit the members of the Congress Party in jail and try and persuade them to call off civil disobedience and attend the Round Table Conference It my friends, Mr Jayakar, Sir C P Ramaswami Ayyar, Mr Jinnah and others, made up their minds to visit these Congress leaders, Mr Gandhi and Pandit Motilal Nehru, and persuade them to call a halt and join us in a settlement at the Round Table Conference, they would not only establish their claims to be called leaders, but make the Conference thoroughly representative Believe me, one such visit would be worth more than hundreds of manifestos

Now, Sir, what is the origin of this Round Table Conference ? We all know that when the Simon Commission was originally constituted and announced, His Excellency the Viceroy in his speech said that together with the Simon Commission would sit as equals, the Indian wing, *i e*, the Indian Central Committee Both would work conjointly and when the Simon Commission had submitted its Report, it would cease to exist but the Indian wing would continue to function and would represent the Indian case before the Joint Parliamentary Committee In place of the Joint Parliamentary Committee we have been today given this Round Table Conference which will afford to those sections of Indian thought who refused to co-operate with the Commission an opportunity of placing their views before it and the British Parliament and thus help us to shape the future destiny of our country, India. Sir John Simon, in my opinion, deserves our thanks for suggesting this opportunity And it is for this Round Table Conference that the Government are now making a demand for financial support and for the opinion of this House Viewed in all its aspects and implications, in my opinion, Sir, there are only two issues before us in regard to the motion before the House Firstly, do we seriously desire to support the Round Table Conference ? Secondly it we do, are we prepared to foot the bill ? If we are prepared to foot the bill, then we cannot support the cut On the other hand if we are not prepared to foot the bill, then we stultify our support to the Round Table Conference by supporting a cut of Rs 100 not on account of the Round Table Conference but on the Simon Report and for which no grant has been asked In short, we stultify our approval of the Round Table Conference because we are asked to support the Mover of this cut in his views that the Simon Commission's Report does not meet with his approval Now, Sir, I submit, with all respect to the President's ruling on this matter, that the Simon Report constitutes no part of this demand and a cut on this is, in my humble opinion, *ultra vires* The Round Table Conference is the only thing to which this demand relates, and, as such, any Member who supports the Round Table Conference will stultify himself if he also supports this cut, for in so doing he censures Government and in this manner rejects the Round Table Conference Apart from this, we will in supporting this cut, be strengthening the hands of those hie-hards in England who are today waiting for every opportunity to kill the Montford Reforms and all that has been added to them since 1919

[Lieut.-Colonel H. A. J. Gidney.]

Various demands have been made on the Government from the opposite Benches. I join with you in all you want to effect a healthy and peaceful atmosphere for the Round Table Conference, but I ask how has India responded to the many appeals made by His Excellency the Viceroy, the greatest Viceroy that India ever had, and here I wish to pause and endorse every word that my Honourable friend, Mr. Sen, had to say in this speech about His Excellency. His sincerity is unquestionable, his faith in India is great and his desire to serve India is incomparable. How often have you not spurned his proferred hand of friendship? How often have you not rejected and ignored his appeals for co-operation and trust? How can you in the face of this ask Government to do more? It is up to us to do more. The Government have done everything that is compatible with the situation. Government have to function and, if in functioning, they do things that are unpleasant they cannot be blamed. Indeed, if law and order and the lives of hundreds of thousands were in your hands and keeping, you would do the same thing if you were in power. I ask my Honourable friends on the opposite side to address this question to themselves. Do not blame the Government or the Congress or the civil disobedience movement. Secure the co-operation and help of the Congress Party, by all the means at your command and I am sure every one on this side of the House would help you in this achievement but, above all, I ask those of my Honourable friends, the leaders of the Liberal Party, strong as they are individually, but weak as they are without a following (Laughter), being leaders or more appropriately "leaderettes" without any following and unable to deliver the goods to organise, each one of them, for there are some of the cleverest brains in India. I repeat organise yourselves and get a party for you will then be able to deliver the goods. Take all steps to counter this civil disobedience movement. But do stop issuing any more manifestos. Remember "while the Liberals are manifestoing" "Nehru is rotting (to use an ordinary parlance) in jail". I ask you one and all to give up your present attitude of advisors and warners even though it be given as did my Honourable friend, Sir Cowasji Jehangir, in a monosyllabic staccatto style peculiarly native to him. I ask you to give that up without any further delay and do something more practical and tangible and then you will be rendering substantial service to India and you will make the Round Table Conference truly representative of every party in India, for I do believe, without the Congress, that "Board of Conciliation" which is nothing else but a synonym for "the Round Table Conference" will be imperfect and incomplete.

Mr. Deputy President: Order, order. The Honourable Member has exceeded his time.

Lieut.-Colonel H. A. J. Gidney: In conclusion, I would ask the Honourable Member who moved this cut to reconsider the position carefully and in refusing him my support for his cut, I would ask if he would be good enough to see his way to withdrawing it for it has nothing to commend itself. It has everything to condemn itself.

Sardar Gulab Singh (West Punjab: Sikh): Sir, I rise to support the cut motion made by my Honourable friend on the agenda

I would say only a few words merely to take part in this important debate, for enough has been said by way of general observation by the previous speakers to condemn the Statutory Commission's Report, which is entirely unacceptable and extremely disappointing As events have shown, the Commission was rightly boycotted by the Indian Nationalists and others Sir, there were others who had still hopes for further reforms, for which the Commission was mainly intended, in accordance with the great declaration of 20th August, 1917 But their hopes were disappointed and they were rather upset by the conclusions of the Commission Reading the situation, I am reminded of a story of a *Mirasi* belonging to a class of people known for their merry pursuits He, Sir, being greatly tired and distressed in a long journey, sat down on the roadside and prayed to God for a conveyance In the meanwhile a landlord came who asked him to carry his load Seeing the circumstances of the offer of help, he cried out that the great God often misunderstands things He had prayed for a conveyance, but was given a load on the head instead Likewise our hopes have been upset Suggestions and efforts have been made to curtail even the existing reforms For instance, a suggestion is made for indirect election to the Assembly in which the franchise of direct election of the people would be taken away and further disabilities put on candidates for the Council of State India would be the only unfortunate country where the reforms once granted would be snatched away in the guise of a further instalment of reforms

As for the Round Table Conference, nothing can be said definitely unless we know more about it, and we would welcome it if it is managed properly in points of the personnel, functions, calm atmosphere and participation of leaders who are in jail At present, we are attracted to this Round Table Conference by the encouraging words of His Excellency, who is anxious to secure for us another alternative and opportunity to support our cause

With these few remarks, I close

Rao Bahadur D. R Patil (Bombay Central Division Non-Muhammadan Rural) I am glad, Sir, that I, a back bencher, who got up many a time, has ultimately caught the eye of the President, for which I thank you very much To my mind one thing is clear, that those who occupy front benches are easily heard, and those who are in the back benches scarcely receive any notice of the Chair

Mr President, I have to bring to the notice of the Government of India especially one fact, that in the Bombay Presidency there is a Non-Brahmin Party like the Nationalist Party or the Independent Party here. The Non-Brahmin Party in that Presidency represents the interests of agricultural classes which form a majority of the population there In the same way, there is the Justice Party in Madras Similarly, there is the Non-Brahmin Party in Berar and the Central Provinces The Round Table Conference ought to safeguard the interests of all the parties Therefore, it is but legitimate for me to appeal to the Government of India that there ought to be an adequate representation of Non-Brahmin parties in the above-mentioned three Provinces on the Round Table Conference I specially make this appeal, Sir, because there are very few non-Brahmins here who are advocating the cause of non-Brahmins so far as their representation on the Round Table Conference is concerned Sir, this is the time when all the communities ought to co-operate and put their claims on

[Rao Bahadur D R Patil.]

a proper basis and follow a policy of mutual goodwill, a policy of give and take, and unless and until we follow such a policy, I do not think that the Round Table Conference will be a real success Sir, I am reminded of a story There were two brothers, "A" and "B" There was some dispute over property "A" said, "I have got eleven points, very strong indeed and I have considered them very properly and I am very anxious for a compromise, but kindly accept my eleven points and then the compromise is possible" In the same way "B" says, he has got fourteen points and he says, "I have considered them very properly and I am equally anxious like you for a compromise, but accept my fourteen points" In such circumstances, is it possible that a compromise will be effected ? Of course not Therefore, all the various communities in India ought to follow a policy of mutual goodwill and must not press their claims with obstinacy Possibly, one community's claims might be reasonable, but other parties might not be willing to accept them In such a case by mutual co-operation and toleration anyhow a compromise should be effected Unless and until a compromise is effected in that way, I do not think the Round Table Conference will bring good results But human nature being what it is, every party will try to safeguard its own interests without any regard to other party's interests Therefore, if that fortunate day will come when all the parties will be united in their demands, so much the better, but if that time is not to come it is but proper that all the parties, as I have stated, must have an adequate representation in the Round Table Conference in their own interests

Now, Sir, I come to the Report of the Simon Commission Sir, I was a member of the Bombay Provincial Committee, elected by the Bombay Legislative Council to co-operate with the Simon Commission But I am surprised to find that the recommendations made by the Statutory Commission, headed by Sir John Simon, a legal luminary and an ornament of the British Bar, have not come up to the expectations of all parties in India They have not satisfied our national aspirations, they have not led us to the goal of self-determination Therefore, the recommendations made by the Simon Commission are very unsatisfactory I may again tell you, Sir that unless and until we have got fiscal autonomy, national progress is impossible

Now take the case of expenditure on defence It has been admitted by Sir John Simon himself that the expenditure on defence is very excessive so far as India is concerned This expenditure in India has no parallel in the history of the world That is a clear admission on the part of Sir John Simon

Sir, I should like to conclude by saying again that the interest of the non-Brahmins ought to be adequately safeguarded and represented at the Round Table Conference They are a very important body, and I urge very strongly that the interest of the non-Brahmins, the agriculturists who are the pillars of the country, should be adequately represented at the Round Table Conference Sir, with these words, after thanking you for having allowed me to catch your eye, I beg to resume my seat.

Lala Brij Kishore (Lucknow Division : Non-Muhammadan Rural) : Sir, in rising to speak upon this cut motion, I propose to confine myself

only to the interests of the landholders to the extent to which they are affected by the reactionary recommendations of the Statutory Commission The landed aristocracy which has separate electorates both for the Provincial and Central Legislatures is to be deprived of them under the new scheme They have been a great source of support to Government in various ways. The talukdars of Oudh, who received the Statutory Commission in an atmosphere of distrust and suspicion prevailing throughout the country, expected much from the Commission, but to their great disappointment what little they had, in the shape of special electorates, is taken away

As regards the Round Table Conference I am one of those who believe in the potentialities of it We should therefore organise all the available constitutional forces in the country so as to make the London Conference a success We live in a period when great national forces are working around us It is therefore necessary that we should grasp the helping hand of Government, and it is equally incumbent upon Government to take recourse to such measures as may go to make the impending Conference a reality in spirit and letter and ensure success

Mr Saradindu Mukerjee (Calcutta Suburbs Non-Muhammadan Urban) Sir, in rising to support this cut, I want to deal very briefly with the Simon Report I want to deal with the sins of its omission and not of commission A proposal has been made for an extraordinary amount of power to be handed over to the Governors of Provinces, but nowhere is it mentioned who will be the Governors of the future, *i e*, whether they will be the European element of the heaven-born services or whether the men of the country will ever be allowed to occupy these places

The second point is, we expected an old and experienced lawyer like Sir John Simon to say something about the separation of the Judicial from the Executive Nothing has been said on this point We know, Sir, that the administration of criminal law is one of most important subjects in this country It is in the hands of an irresponsible executive, and the prosecutor is the judge in most cases Not a word has been said on this subject but it has been allowed to remain where it was all along

Coming next to the Round Table Conference I will deal very briefly with the personnel of this Conference When I heard the Viceroy only three days ago my impression was that he was very anxious to have the Ruling Princes in this Round Table Conference Sir, I submit that even according to Sir John Simon the Native States are quite separate from British India I do not see any reason why the Ruling Princes should have anything to say in a Conference that is going to frame a constitution that would govern us and not the Ruling Princes The Ruling Princes might come into the Federation of States a long time after and there would be time enough, when that occasion arises, to invite them to submit their views As it is, the Ruling Princes would be an element of about 12 in a body of about 60 and it is likely that they would lend their solid weight to the die-hard element of British Imperialism in England Besides, the Ruling Princes are accustomed to a rule of autocracy in their own States There are only a few States in which a little amount of democracy has been allowed, and they would never be able to understand the aspirations of democratic India So

[Mr. Saradindu Mukerjea.]

I should like to invite the attention of His Excellency to the fact that the Ruling Princes have no *locus standi* so far as the framing of a constitution for British India is concerned

Then, Sir, we, as the representatives of the people, have been asked to vote for this grant We are asked to pay the piper, but we are not allowed to call the tune If we are at all taken as the representatives of the people,—otherwise there is no justification for our existence—we should be allowed to elect at least a small proportion, say 25 per cent of the members who would constitute the Round Table Conference In this connection my submission to His Excellency the Viceroy would be that he should allow us to elect at least 16 members, 12 Hindus and 4 Muhammadans, as representing this House, to take part in the Round Table Conference

Now, we come to the most important proposition with regard to the personnel, namely, the Congressmen It is admitted on all hands that, without Mahatma Gandhi, whatever be the outcome of the Conference in London, the people of India I mean at least the 220 millions of the Hindus in India would have no confidence in it And I respectfully remind His Excellency the Viceroy that he should not fail to come to a decision to invite Mahatma Gandhi to join the Conference He would lose nothing by sending an invitation to him to join the Conference, and if Mahatma Gandhi ever accedes to his request, then the Conference would be fully representative Otherwise, it will be practically a loss of time, energy and money

Then, Sir, I come to the next question, *viz*, the atmosphere that is necessary for this Round Table Conference My idea is that an atmosphere of peace and goodwill ought to prevail before the delegates actually leave India and join the other delegates in England I regret to say Sir, that "times are out of joint" with us at present It has been said, Sir, that the responsibility for the present loss of life and limbs is on the head of the Congress I say that the whole responsibility lies on the head of Government and on no one else What did Mahatma Gandhi say? Mahatma Gandhi said that he was openly going to disobey some of the laws which had been enacted in this country and he asked that he and his followers might be arrested and put into jail He did never think that Government would not play the game and arrest him and his followers, but Government *did not* play the game Instead of arresting the crowd of law breakers who might have been carried away by their sentiment—and these persons would never have resisted as they were vowed not to resist—Government used the other alternative of dispersing them by *lathi* charges and resorted to the use of firearms Thus the whole responsibility is not on the head of the Congress at all, but on Government alone

Now, Sir, the Government of India have shown bankruptcy so far as statesmenship is concerned The Government of India are going to rule us only by Ordinances and special powers We know that under the Government of India Act, Ordinances can be enforced for six months only and not more Do Government think that, after six months, the country would be so pacified that the use of these Ordinances would not be required? Then what happens? The Government of India

cannot extend these Ordinances It would be *ultra vires* under the Government of India Act and then they would have to come to this House to get the support of the elected Members to have these Ordinances passed into laws I may say that there is no son of India, either Hindu or Muslim, who will ever lend his support in passing any penal legislation which would convert these Ordinances into laws for all times to come I would therefore request the Viceroy to call a halt and release all those political prisoners who have not been convicted for any offence involving " moral turpitude " I use these words deliberately because some offences, not only have been newly created by these Ordinances, but also some minor sections of the Penal Code and other Acts which were meant to deal with frivolous offences, have been made use of for other purposes For example, there is a section which says that obstruction to traffic is illegal It is a very minor matter and is usually punished with a fine of a rupee or so , but in the case of the Congress people it has been converted into a very serious offence, and sentences of rigorous imprisonment have been passed on those people who were destructing the traffic by picketing I would once again request His Excellency the Viceroy to grant an amnesty to all political prisoners, not convicted for moral turpitude and to do away with these repressive enactments, and hold out the olive branch of peace to the people of this country Government may say, " It you stop civil disobedience, we will take away all the repressive measures " I would say that this answer would be begging the question , because if there was no civil disobedience there would not be any necessity for any repressive measures Thus no attempt would be made by Government to show any generosity to the people of this country at this time of stress and strain, unless Government withdraw these measures at once

I would also point out that there is another danger which is the usual effect of this lawlessness that is now prevalent in this country Now we find that people are resorting to *open* violence of law It can be compared to an open wound that can be healed with sympathy , but if more repression is allowed to be used, the result would be that it would form into a sinus numerous secret societies would be formed and Government would then find it extremely difficult to ward off a stab in the dark We have seen all these things happening in Czarist Russia, and we know that on account of repression there, numerous Nihilist societies were formed, and the result was that the whole of Czardom was overthrown and the rule of the people came in its place I warn the Government that they should not allow this country to go to that length so that this country, instead of enjoying peace and tranquility, might be hurled into the turmoil of internecine secret war

Sir Cowasji Jehangir and others have pointed out that perfectly law-abiding people have joined this movement, not from love of the movement, but because they have been exasperated by the action of the police in various parts of the country I do not want to take up any further time by going into the details of these cases. I can give you hundreds of instances which I know of personally, where the police have entered the houses of respectable citizens, assaulted them, used *lathis* and insulted them most grossly, but that is not my point now , my point rather is that if this present repressive policy is continued, the natural result will be that people of all shades of opinion will all join and give a tremendous impetus to the boycott movement, which the

[Mr. Saradindu Mukerjee.]

British Government will not be able, with the greatest effort, to combat. The result will be unemployment in England and the Labour Government will go out of power, and whatever chances we have of getting any success at the Round Table Conference would be practically negatived at the time when the recommendations of the Conference come to be enacted into an Act, if any party other than the Labour Party came into office

Mr. D. K. Lahiri Chaudhury (Bengal Landholders) Sir, I am really thankful to you for giving me an opportunity to speak after getting up so many times I am glad that I have at last caught your eye As a representative of the Bengal landholders, I would be failing in my duty if I did not express my view here that this Commission has ruthlessly trampled down the interests of the landlords in India I would also be failing in my duty if I did not express the feelings in my mind in regard to these repressive measures which the Government have now adopted as a policy I was surprised to hear the Honourable the Home Member, in the course of his speech, say that Mr Neogy was not the right judge, and that at least some of the allegations made on the floor of the House today could not be supported I do not think it is expedient to express such feelings in such a way, and I think I must say at this juncture that the policy pursued by Government is one which will have a very disastrous effect I can give a practical example on the floor of this House if it is proved *sub-judice* you can rule me out of order, but I must mention one case, concerning volunteers The Honourable Member for the Bengal Government here must know of it and must have studied the case, and I do not think he himself can deny the facts that I am going to state

(At this stage Mr President resumed the Chair)

The volunteers were very quiet, and absolutely non-violent The police brutally treated the volunteers, marched over their abdomens when they lay on the ground, mercilessly beat them with *lathis* and batons, which caused a great sensation amongst the spectators who were restless and the police fired on the unarmed mob, but then their ammunition was exhausted and in the meantime about ten thousand people arrived there and were about to crush down the police, and it was those volunteers who were so beastly treated who stood in the way and prevented the mob from attacking the police That is the case, and still you say volunteers are violent in the name of non-violence

Mr. G. S. Dutt (Bengal Nominated Official) On a point of order, Mr. President I think the incident to which the Honourable Member is referring is *sub-judice* and I do not think he is in order in referring to it I am afraid I am not in a position to say anything in this matter as the matter is *sub-judice*

Mr D. K. Lahiri Chaudhury : I am not talking of any matter that is *sub-judice* I am talking of the policy which the police are following in treating the absolutely non-violent volunteers

Mr. President : The Honourable Member should not refer to matters which are *sub-judice*

Mr D. K. Lahiri Chaudhury : I am not mentioning matters which are *sub-judice*

I am simply mentioning what I know to be the real facts Did he not himself cheer the volunteers for asking the crowd to keep quiet and for trying to protect the police ?

Mr. G. S. Dutt : Sir, the case is still pending in the courts, and I do not think any reference can be made to it here

Mr President : Will the Honourable Member please avoid any reference to this case which is pending in the courts ?

Mr D K Lahiri Chaudhury I am only mentioning facts, because I know them to be true and I myself visited the hospital to see those wounded volunteers

Mr. President : No facts connected with the case can be mentioned as long as the case is *sub-judice*

Mr D. K Lahiri Chaudhury . I am not mentioning any facts of the case which is *sub-judice* I am only mentioning an incident

Mr President : That case is *sub-judice*, and no incidents or facts connected with it can be mentioned in the House

Dr A Suhrawardy . Was the Honourable Member in Benares or in Mymensingh at the time ?

Mr. D. K Lahiri Chaudhury . I was in Mymensingh, and I found that a boy of seven years was severely beaten, and he fell down senseless, but when I asked him in the hospital about his injury , with a smiling face he said, " I will again join the civil disobedience movement " I say that people have been brutally beaten and have been trampled down under foot , I say people have been belaboured and kicked about in a most merciless manner, which would put to shame any civilized nation, and it is a pity that the action of the police has been endorsed by the higher authorities Sir, as an Indian I feel it my duty to state all these most disgraceful actions of the police in this House

Then, Sir, it was mentioned by the Honourable the Home Member that there is an impression in this country that nothing could be expected from the British without force Now I challenge that statement, Sir What have the Government done all these years ? So long as the landholders and zemindars supported them with their hard earned money, they patted them on their backs, they were told that they formed the backbone of the Government and so on But now look at what the Commissioners have done They have ruthlessly trampled under foot all claims and all interests of the landholding classes Those who pay a large amount of land revenue, by which the national coffers are filled, have been entirely and woefully neglected , no mention has been made in the Report about the zemindars and landholders Sir, here I feel that it is my duty to record my protest against the policy which has been adopted by the Commission by completely ignoring the landed interests altogether by not making any mention of them in the Report At the same time, I must not fail to mention the attitude adopted by His Excellency the Viceroy by keeping the door open by calling a Round Table Conference, and I believe that the omission made by the Simon Commission will be redressed and rectified at the Conference Therefore, I do not think it is necessary for me to go into the details of the arguments for I know this is not the proper place, and I hope, when the proper time comes, we will see what can be done

[Mr D. K. Lahiri Chaudhury.]

One thing I want to impress upon the Government, and I warn them with all the emphasis I can command, that if they lose their friends by ignoring their interests altogether in this manner, friends on whom they have always relied in the past, and will have to rely upon in the future if their interests are trampled under foot, I say that a time will soon come when these landlords and zemindars, who were very loyal at one time will become revolutionaries and will try to crush the Government itself

Now, Sir, I must quote an instance which I read in the *Modern Review* I am quoting from an article in the *Modern Review* by Miss J Ganguli, M.A It shows how ruthlessly all civilized laws have been trampled under foot It was the evening of the day of Christ's crucifixion a day for the Christians to remember the qualities of mercy and love and to understand pain On that auspicious day what happened ? I am quoting from the *Modern Review*

" The District Magistrate had with his hunter beaten a small boy of ten in such a way that he had fallen senseless on the ground and was bleeding profusely from a deep cut on the forehead and from the nose "

This is not the boy of Calcutta, but this is another instance I think if Honourable Members doubt the accuracy of my statement, I can show them the photograph of the injured boy The District Magistrate of the place had beaten a small boy of seven on the head in such a way that he fell down senseless and was bleeding The photograph of this boy lying senseless on the laps of Miss Ganguli and two of her companions is published in the *Modern Review*

" About ten others were hurt—some slightly and some with grave injuries on their body—and we removed them all to the camp and brought the boy to our own hospital under the Ramkrishna Mission at Tamluk. On our way there the boy regained consciousness and when told that he would soon get better, replied, ' Yes, and then I will come again when our soldiers prepare salt, and if the Sahib comes to beat me once more, I will say ' Sahib, I have come and so if you will, beat me again ' "

This was the answer given by a boy of only ten, who was beaten when he was absolutely non-violent Sir, I condemn, in the strongest language possible, the attitude adopted by the Honourable the Home Member when he gave such a callous reply to my friend, Mr Neogy, this morning. When I heard his reply, my blood began to boil, because he had not even a word of sympathy to express for those who are suffering in the non Violent struggle Even His Excellency the Viceroy the other day expressed his sympathy for those who have suffered in this civil disobedience campaign, but the Honourable the Home Member had the cheek to sit in the House and listen to all the horrible deeds perpetrated by his policemen on innocent and unarmed people and yet not to express even a word of sympathy for them

Then, Sir, I must say a word about the landholder class, to which I have the honour to belong Sir, agricultural income is going to be taxed. Over and above that, there are strong rumours that there is going to be imposed additional taxation, and I can assure the House, if all these additional taxes are imposed, they will soon lose their friends in India. This reminds me of what Sir Tej Bahadur Sapru once said, that if this policy of repression is pursued and a policy of conciliation is not adopted, it will lead to disastrous results, and the Government will lose their friends in India day by day.

Mr. G. S Dutt : Sir, I find myself in a very unfortunate position as a nominated Member, who had no intention of speaking but is compelled to take part in the discussion in order to explain a matter which I regard it my duty to do Sir, the last speaker referred to an incident which he says took place in the district of Mymensingh to which he belongs and of which I happened to be in charge before I came to the Assembly. I understood him to say that there was an incident in the course of which volunteers were assaulted by the police in my presence

Mr. D. K. Lahiri Chaudhury : I did not say that the volunteers were assaulted in your presence I showed how they were brutally assaulted and how they were treated by the police

Mr. G. S Dutt : Well, Sir, I must have misunderstood him, but I gathered from what he said that the assault on the volunteers took place in my presence On the other hand, as I pointed out, and as another Honourable Member coming from the same district pointed out, the incident referred to by the Honourable Member is *sub-judice* as it apparently relates to the riot at the Excise Warehouse

Mr. President (to Mr Lahiri Chaudhury) The Honourable Member can only offer a personal explanation and he cannot make a speech.

Mr. D. K. Lahiri Chaudhury : Does not the Honourable Member admit that the volunteers were non-violent ? Is it not a fact that he himself contributed Rs 100 to the hospital to show his sympathy for the cause ?

Mr G. S. Dutt : Sir, there is no relevancy between the two questions but all I need say is that the Honourable Member has been entirely misinformed in this matter, and I do not exactly know what cause he is referring to

Mr. President : The Honourable Member can only speak on a point of personal explanation about any fact which refers to him, and he cannot refer to any other matter which does not concern him

Mr. G. S Dutt : Sir, I personally know of no instance in which non-violent volunteers were assaulted by the police

Mr. K. C. Neogy : Will the Honourable Member tell us why he was transferred from Mymensingh ? That has certainly some relevancy to the present topic (Laughter)

***Haji Abdoola Haroon** (Sind Muhammadan Rural) Sir, I do not want to speak lengthily because many Members of this House have already given their opinions on the Simon Commission's Report and the Round Table Conference Now, Sir, there are many who have objected to the policy of the Government, the repression by it and so on. As a layman, I am always asking myself what the Government should do and what advice I should give to Government

Mr. Amar Nath Dutt : Will they listen to your advice ?

Haji Abdoola Haroon : Whether they listen or not, that is a different matter. I want to give one instance on the floor of this House I left Karachi on the 4th instant. Two days before that, there was some difference between the Satyagraha Committee and the piece-goods merchants there and the Satyagrahis started picketing of their shops I saw with my own eyes 200 volunteers picketing there and thousands of spectators standing by There was such a crowd that the roads were

[Haji Abdoola Haroon]

completely blocked The merchants were compelled to close their shops as a result and the market was deserted Not only that, but the Satyagraha Committee decided that not a single bale should be despatched by railway from Karachi and they commenced picketing at the railway station Till I left Karachi, for three days continuously not a European or Indian could despatch a bale of piece-goods by railway, because at the gate of the railway station the volunteers stood, and if any cart wanted to enter, they objected and stopped it If the cart did not stop, they lay down before the cart, and if the cartman went on to the bodies of the volunteers, there was the fear that he might be prosecuted Under these conditions, if any citizen went to the police or the Government to protect peaceful trade, what would the police do ? I ask the House what the police will do in those circumstances " If they ask the volunteers to go away, they refuse to do so , if they handle them with *lathis* we object to it, and so on Honourable Members must consider all these things and then come to a conclusion

I join with other Honourable Members who have condemned the Simon Commission's Report, and in doing so, I shall deal with only one subject, and that is the separation of Sind, which constituency I represent here The separation of Sind has been asked for by the Sindhi people since 1913 On account of their agitation, they have aroused the sympathies of other people and it has become an all-India question Now, this question has been taken up seriously by the Muslim League, and the All-India Muslim Conference and they have passed from year to year many resolutions advocating the separation of Sind Not only this, but in 1927 and 1928 the Congress also took up this question and tried its level best to satisfy the demands of the people of Sind, of the evidence of which the Nehru Report is a living example Although they agreed that Sind should be separated, they suggested a committee to be appointed to enquire whether Sind could be separated on account of the financial difficulty They said that if the Sind people agreed to further taxes on themselves, then they were in favour of the separation of Sind That was the verdict of the Nehru Report We were not satisfied with that decision Then we hoped that the Royal Commission, the Simon Commission, which was coming from the Seven Seas, might do something to satisfy our demand But, unfortunately, as many Members of this House have already stated, their hopes were shattered, in the same way our hopes also have been shattered What do the Simon Commission say ? I must say that, on this question, the Simon Commission have not given a very clear verdict They agree that Sind should be separated because geographically, linguistically, socially, religiously and administratively Sind can be a separate province,—so far so good But further on, they do not say clearly that Sind must be separated, but they recommend that a Boundaries Commission should be appointed and that that Commission should go into details as regards separation Just as the Nehru Report put in some hitches, in the same way the Simon Commission also put in some hitches In my humble opinion, this vague verdict of the Simon Commission has left our hope again hanging in the air I want to make clear in this House as to why we are agitating for the separation of Sind. It is because we have suffered

5 PM

heavily since 1843, that means, for the last 87 years When Sind was conquered by the British troops in 1842, it was a separate province, and its first and last Governor was Sir Charles Napier. On account of its luck, or whatever you might say, in 1847 this province was amalgamated with the Bombay Presidency And what is the condition of the province today ? What have the Bombay Government done for Bombay during the last 87 years ? In fairness to the Bombay Government, I must say that our province is too far from the seat of the Bombay Government It will take three days by the sea route and if anybody comes by the narrow gauge railway, he can come in 48 hours, but this railway also was started only 25 years back Before that there was no roadway or railway connection with Sind Take education Till now, the Bombay Government have not established a single college in Sind There is one private college which is aided by the Government Lately, another college has been started in Hyderabad, which is also aided by the Government, but Government themselves have not started a single college Take the case of roads Up till now, the Bombay Government have not built a single *pucca* road, except lately one between Sukker and Shikarpur, a distance of 20 miles, and another road, which has a length of 12 miles This is what the Bombay Government have done for Sind in the last 87 years

Sir Cowasji Jehangir (Bombay City Non-Muhammadan Urban) What about the crores that have been spent on irrigation ?

Haji Abdoola Haroon My friend asks, "What about irrigation ?" If we go through the accounts connected with irrigation and the Sukker Barrage, I can assure you that, although Government have spent some money on irrigation, they have recovered 8 or 12 per cent income from that irrigation As regards the Sukker Barrage, it is a big project and it was started in the time of Sir Cowasji Jehangir, and I cannot say what the future of it will be Besides that, I can give you one more example The Honourable Mr Jinnah lately came to Sind on some business and remained there for about one month He himself saw the condition of the administration, the condition of education, sanitation, roads, *etc*, and he was shocked to see that this province was the most backward in the whole of India

Nawab Sir Sahibzada Abdul Qaiyum: Excepting the North-West Frontier Province ?

Haji Abdoola Haroon No The North-West Frontier Province is more advanced

Dr Nand Lal (West Punjab Non-Muhammadan) Is it permissible to introduce private conversation between one Honourable Member and another on the floor of the House ?

Mr. President : Interruptions are allowed .

Haji Abdoola Haroon : I appeal to Government and those who are attending the Round Table Conference that in the name of humanity and justice, Sind must be separated as soon as possible There is some argument that Sind should not be separated because its revenue is so small and a separate administration for Sind is not possible Sir, I am a layman but I can say one thing According to the figures, Sind is paying taxes to the Bombay Government at the rate of Rs. 6 per head Although I have not got proper figures before me, I remember it is

[Haji Abdoola Haroon]

Rs 4 per head in the case of Assam and Travancore If you take the figures for Bengal, Bihar and Madras, they are paying hardly more than Rs 2-8-0 to Rs. 3 per head In Punjab it is Rs 4 per head If these provinces can be administered with so small an income, why cannot Sind be administered when its population pays Rs 6 per head ? The people in Sind are an oppressed people We in Sind are not like people in other provinces, always clamouring and fighting We are very good, very loyal and very honest and therefore we have suffered so long With these remarks, I support the cut

The Honourable Sir George Rainy . I find myself today, Mr President, in a position in which previous Leaders of the House did not very often find themselves, namely, that the main proposal placed before the House by Government has received, I will not say unanimous, but a very preponderant expression of opinion in its favour The main question before the House is that a sum not exceeding Rs 2,66,000 be provided for the expenses of the Round Table Conference It is quite true that there have been two or three speakers who have expressed the view that the Conference will do no good and that the money ought not therefore to be provided Yet all of us who have listened to the three days' debate which is now coming to its close will agree that a very great preponderance of opinion has been expressed in favour of granting the money That, Sir, I think is a result which is satisfactory from all points of view, because it means that this Assembly has expressed its opinion decisively as between the two paths to which His Excellency the Governor General referred when he addressed the two Houses, and has expressed its view distinctly for adopting the path of agreement and argument, in the belief and in the hope that that is the right path which will lead to a prosperous and contented India It is not only, Sir, that this result must be gratifying to Government Something far more important is at stake, namely, the interests of the people of India I do not doubt that the decision which the House will reach on this question will have a very important influence for good on the course of the history of India during the next few years I would fain take it as an augury that the infection may spread and that others who for the present cannot see their way to adopt this path, or to attend the Conference will eventually find themselves there His Excellency the Governor General made it plain that the door has not been closed on our side, nor will it be closed The door is open, and undoubtedly what we desire is—in the words which His Excellency used

"That wiser counsels will prevail by which all the political thought of India might be harnessed to the task of welding into unity the elements that compose her life"

Now, Sir, I do not know whether others who have listened to many debates in this House have been struck, as I have been, with the note of responsibility which has characterised most of the speeches in this debate Naturally, in any deliberative Assembly, all men do not attain to the same standard in a matter of that kind , certainly in the House of Commons in England if a similar debate was taking place, I have no doubt that there would be speeches which no one would characterize

s very responsible speeches But, listening to the debate, I have been ipressed, if I may be allowed to say so,—and I hope it is not an imper- nence to the House,—with admiration of the manner in which speaker ter speaker, obviously speaking under a sense of responsibility, stated s case temperately and carefully, and has refrained from comment hich might have embittered or exacerbated the situation and so defeat- l the objects which we all have in view I think, Sir, we have reason congratulate ourselves on that point Now Sir, I am a nominated ember and therefore must be careful what I say (Laughter) *An Honourable Member* " And a salaried Member ") or I may share ie fate which befell my Honourable friend, Mr Sarma But I do not gree with him on one point He said it was a mischievous debate can only say that I do not agree It seems to me that it would have een very strange indeed if, when this vote was placed before the House, large number of Members had not a good deal to say about the eport of the Royal Commission, and it has always seemed to me to e inevitable that the debate should take the form it has actually assum- l It is far too soon after the publication of the Report for either ie Government of India or Members on the opposite side of the House) formulate considered and final conclusions about that document s His Excellency the Governor General put it we have only been able,) far, to give preliminary and tentative examination to the Report— lthough I may say that, if it be a crime to study the Royal Commis- ion's Report, my colleagues and I are the most guilty men in India , nd I believe that, before the date of the Conference in London, a ood many Members of this House will have made themselves even more riminal than we are now (Laughter),—because, whatever view one may old on the recommendations contained in the Report, it is certainly document which those who attend the Conference will have to study 'here is an old latin tag which says " It is lawful to learn even from an nemy, " and there is much to be learned from the Report I have ittle doubt that, as I say, Members of this House, who are likely to ttend the Conference will find it necessary to study what the Report as to say in detail I have, however diverged a little from the line had intended to follow and I must get back to my main theme It nust be useful to Government to hear at first hand from the Members f this House what they think on an important question of this charac er There are of course other means of ascertaining opinion , but 'hen the Assembly is sitting, I personally have always found it— and I m sure my Honourable colleagues also find it—a great advantage to hear t first hand from responsible public men what they think on the questions f the day Certainly on an important matter of this kind, on which the Government of India will have to express its own opinion at an early date should have regretted very much indeed had I not had an opportunity of istening to the very varied comments which we have heard during the ourse of the debate. I can assure the House that all of them will receive he attention of Government, and that the Members of this Assembly are ntitled to expect that what they say will have weight with Government nd will not be brushed aside as valueless.

Now, Sir, while I adhere to what I have said as to the value of this lebate, I am not sure that I can go on to say that I think it was a good hing to move the particular cut moved by my Honourable friend, Mian

[Sir George Rainy]

Muhammad Shah Nawaz I see one of the daily papers has suggested that there was some conspiracy between my Honourable friend and me to induce this House, by some subtle manoeuvre to express an opinion in favour of the Simon Commission's Report When I read the paragraph I murmured to myself the single word " optimist ", because I must in deed have been sanguine if I had entertained that idea And as regards the conspiracy, it amounted to this that on my request my Honourable friend very kindly came to talk to me, and I spent 20 minutes unsuccessfully in trying to persuade him not to move his cut

Now, Sir, there are several reasons why it seems to me that it is impossible in this form to put on record an opinion about the Royal Commission's Report which would be of real value and which would be worthy of the dignity of this House For one thing, it must necessarily be very vague what the House has in fact decided Some may be dissatisfied with that Report on some points others on others, and the net result merely is a general expression of disapproval, which does not carry us very far What is required at the present moment is not general expressions of approval or disapproval but constructive work involving the closest possible attention to detail When India's representatives attend the Conference in London, it is most desirable, as far as possible, that they should, have agreed amongst themselves as to the views they are to express, and that they should have studied and mastered their case, in all its details Indeed, if this debate serves the purpose of permitting Honourable Members to give expression, once for all, to their general disapproval and thus enabling them to sit down with a clear conscience to the constructive work, then I think in that respect it will have served a useful purpose But I have a more fundamental objection To move a token cut in a matter of this kind, seems to me a wholly inappropriate method of raising the question The underlying idea of a token cut is to refuse supply as a means of expressing disapproval of the policy of Government, the action of Government or the action of those whom Government controls Now, Government do not and never have controlled the Royal Commission, nor are the recommendations of the Royal Commission an expression of a policy for which the Government of India are responsible Therefore, it is impossible in this form to censure the Government of India for a matter over which, as I said, they had no control whatever Surely it is a very strange procedure in order to express dissatisfaction with the Royal Commission's Report to refuse supply for attending the Conference in London. The logic of it seems to me extremely imperfect Had there been any proposal to restrict the Conference to this report as the sole material of its deliberations, then, indeed, the cut could perfectly appropriately be moved.

Mr M. A Jinnah : It would then have been totally refused.

The Honourable Sir George Rainy : Or, again, had it been the intention of the Mover to suggest that this Report was so dangerous that it ought not to be placed before the Conference at all, then I would have understood the necessity of the cut

Several Honourable Members : That is the idea.

The Honourable Sir George Rainy I do not think any speaker raised this point until I raised it myself In effect, what the Honourable the Mover is asking us to do is to refuse supply on the ground that part of the material which the Conference will consider is not as good as it might have been Now, surely that is a very strange proceeding In effect, the House will say to those who attend the Conference in London that if we had a good Report, we would have provided Rs 2,66,000 for your expenses, but as the material is considered imperfect we have only supplied Rs 2,65,900. Now, Sir, I ask, is that quite consistent with the dignity of this House ? (Laughter) And have Honourable Members considered the unintended effect, if they pass this cut, which their action may have on public opinion in other countries, because surely it is the most remarkable compliment that has ever been paid to the report of a Royal Commission ? It is so important that, even in this form the Assembly feels that it must express an opinion about it I do not know whether anything I have said will have any influence with my Honourable friend or with other Members of the House If it has no influence with them, then clearly Government cannot be a party to the action proposed We express no opinion whatever at this stage as to the merits or demerits of the Reports of the Royal Commission Quite clearly we must give that document all the study and all the labour which is required before the Government of India can formulate opinions But it is incumbent upon Government to do all in their power to prevent the House from taking up an attitude which is not, in our view, consistent with its own dignity and does nothing whatever to assist a satisfactory settlement of the constitutional problem

Before I sit down, Mr President, there are only two or three things more I should wish to say In the first place, I should like to refer to what fell from my Honourable friend, Mr Acharya, about the importance of securing the most representative delegations to the Conference on behalf of India It was not only my Honourable friend who referred to that matter but also my Honourable friend, the Leader of the Opposition, and other Members also Now, Sir, what did His Excellency the Viceroy say in his published letter to the Prime Minister on the 13th of May ? He said

"It is important that the representation of India at the Conference should be fairly distributed amongst those sections of thought who desire and have a title to be heard"

It is a matter, Sir, which has engaged for weeks past, nay for months past, the constant attention of the highest authority in India In so far as any of his colleagues has taken part in the matter, I am sure I can say this, that the only object we have set before us was to see how the most representative delegation could be constituted And I personally never felt the temptation to be influenced by any other consideration Previous speakers have pointed out that, for practical reasons no method of election seemed to provide a satisfactory method of constituting the delegation. But quite clearly the Government can have no reason for desiring to have any other sort of delegation than that of a delegation which India would accept as representative of herself

A little while ago, I referred to probability that Honourable Members may, between now and October next, devote a good deal of time

[Sir George Rainy.]

to the study of the Royal Commission's Report but I did not at that time mention one particular reason why the study might be valuable My Honourable friend, Sir Cowasji Jehangir, yesterday mentioned how much must depend upon the English mentality, whether of those who were serving in India or of men in positions of authority in England, and how all the future of India might depend on their being wisely inspired in their dealings with this great question I would suggest that, if the representatives of India are going to the Conference, English mentality may be worth their study It has already been important for some time, and every day it is becoming more important that a breach should not be allowed to develop between the feeling and thinking of India about the constitutional question and feeling and thinking in Great Britain On our side, we fully recognise the necessity of understanding sympathetically India's aspirations, but I think there is a counter-obligation resting on those who will speak for India, that is, to try to understand sympathetically English feeling and English sentiments Now, that is not an easy matter I fully recognise it but it seems to me essential that, if the Conference is to succeed, this aspect of the case should not be neglected or ignored After all, the report of the Statutory Commission is the report of seven men drawn from different Parliamentary Parties with very different histories and origins, and if for a moment those who sit on the other side would put aside the controversial aspect of the question and examine the Report from the point of view of trying to understand what underlies the English thought and English feeling expressed in it, I am perfectly certain that it will be an effort which will repay itself over and over again and will not be thrown away because it will mean that at the Conference there will be far more mutual understanding than otherwise would be possible

Now, Sir, many speakers have spoken of the obligation resting on the Government of India to create an atmosphere in which the Conference can sit with some real hope of success I should be the last to deny that an obligation does rest upon Government to do all in their power to produce peace and harmony, and especially at a time like this. But when Honourable Members speak as if it was a very simple and easy matter, and that all that the Government had to do was to make a magic gesture and the thing would be done, I am afraid they are deceiving themselves With every year that passes, it is less possible for Government to control political feeling or to regulate the public mind Just because we are moving along the path of constitutional reform, greater and greater influence and power must be exercised by the representatives of the people, and, as that progess continue, a larger and larger contribution of goodwill must be made from the popular side, if we are to carry on at all. I do not wish, Sir, after these three days debate to develop this point at length, but a few things must be said After all, if we adopted the plan of some speakers and, while the civil disobedience movement is still in full swing, granted a general political amnesty, would not that amount to the abdication of the Government ? So long, Sir, as we are here, we have to perform the primary function of all Governments, and when Honourable Members say that the whole responsibility rests upon Government, and on no one

else, surely they cannot have reflected upon what they were saying That Government has a responsibility and always must have because it is the Government, I frankly admit, but in this case, surely it is other influences which have brought about the state of affairs which we all deplore What is the civil disobedience movement except an organised attempt to make Government impossible It that movement were once discontinued, a new situation would be created with which it would be far more easy for Government to deal, and I do not believe that any one who knows the personality of the head of Government could have any doubt as to the spirit in which the matter would be handled But surely in this matter, until the leaders of the movement are prepared to discontinue it, the power of Government to contribute towards creating the atmosphere that we all want to see is almost paralysed I am not saying one word to disclaim the responsibility which rests on the Government of India It is a very heavy burden to me personally, at a time when a mistake made by any one of us might have the most serious effect upon the interests of a country which contains one-fourth or one-third of the human race But nevertheless how is it possible for Government by any magic gesture to bring about peace and harmony and an atmosphere in which these great and most difficult problems might be discussed temperately and without heat ? I would appeal to my Honourable friends on the other side, that if they have any influence with the leaders of the movement, which we all deplore, to exert that influence, because it is there that for the moment the power rests, to give India the peace and the harmony that she needs I can only hope and pray that these leaders on their part will allow better counsel to prevail, and will not inflict upon their country the irreparable injury which it is in their power to inflict (Applause)

Mr President : The original motion was

"That a supplementary sum not exceeding Rs 2,66,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1931, in respect of 'Miscellaneous'"

Since which two amendments have been moved, one by Mian Muhammad Shah Nawaz and the other by Mr Abdul Latif Saheb Farookhi I will first take the motion of Mian Muhammad Shah Nawaz and the question I put is

"That the Demand for a supplementary grant of a sum not exceeding Rs 2,66,000 in respect of 'Miscellaneous' be reduced by Rs 100"

The Assembly divided

AYES—60

Abdoola Haroon, Haji.	Badi uz-Zaman, Maulvi
Abdul Haye, Mr	Badri Narain, Mr
Abdul Matin Chaudhury Maulvi	Bhattacharya, Pandit B P
Abdul Qaiyum, Nawab Sir Sahibzada.	Brij Kishore, Lala.
Abdullah Haji Kasim, Khan Bahadur Haji.	Budh Perkash, Mr
Aiyangar, Mr C V Venkataramana.	Chetty, Mr R K Shanmukham
Ayyangar, Mr K V Rangaswami.	Das, Mr. B
Ayyar, Mr N A Natesa.	Dutt, Mr Amar Nath

AYES—60—*contd*

Dutta, Rai Bahadur S C
Dwe, U
Farookhi, Mr Abdul Latif Saheb
Ghazanfar Ali Khan, Raja
Gour, Sir Hari Singh
Hyder, Dr L K
Ismail Khan, Mr Muhammad
Jayakar, Mr M R
Jehangir, Sir Cowasji
Jinnah, Mr M A
Kartar Singh, Sardar
Lahiri Chaudhury, Mr D K
Mama, Khan Bahadur A H
Misra, Mr B N.
Mitra, Mr S C
Mody, Mr H P
Mukerjee, Mr Saradindu
Munshi, Mr Jehangir K
Murtuza Saheb Bahadur, Maulvi Sayyid.
Nand Lal, Dr
Nehal Singh, Mr
Neogy, Mr K C
Patil, Rao Bahadur B L
Patil, Rao Bahadur D R
Raghuber Singh, Mr
Rajan Bakhsh Shah, Khan Bahadur Makhdum Syed
Ramji, Rao Sahib B
Ranga Iyer, Mr C S
Ranga, Mr N G
Rao, Mr G Sarvotham
Reddi, Mr T N Ramakrishna
Sahi, Mr Lal Narendra Pratap
Sarda, Rai Sahib Harbilas
Sen, Mr S C
Shafee Daoodi, Maulvi Mohammad
Shah Nawaz, Mian Mohammad
Siddiqi, Mr Abdul Qadir
Singh, Mr Adit Prasad
Singh, Mr Gaya Prasad
Sitaramaraju, Mr B
Triloki Nath, Lala
Venkatakrishnayya Chowdry, Mr P
Yamin Khan, Mr Muhammad
Ziauddin Ahmad, Dr

NOES—48.

Abdul Aziz, Khan Bahadur Mian
Alexander, Mr W
Bajpai, Mr G S
Bajpai, Mr. R S
Banerji, Mr Rajnarayan
Baum, Mr E F
Bhore, The Honourable Sir Joseph
Buss, Mr. L C
Chatterjee, The Revd J. C.
Chuni Lal, Pandit
Cocke, Sir Hugh
Dalal, Dr R D
Dutt, Mr G S
Ghuznavi, Mr A H
Gidney, Lieut Colonel H A J
Gwynne, Mr C W
Haig, The Honourable Mr H G
Hamilton, Mr K L B
Heathcote, Mr L V
Hira Singh Brar, Sardar Bahadur Honorary Captain
Howell, Mr E B
Jawahar Singh, Sardar Bahadur Sardar
Koreishi, Mr A O
Lamb, Mr W S
Mitchell, Mr D G
Moore, Mr Arthur
Mukherjee, Rai Bahadur S C
Novce, Sir Frank
Panna Lal, Rai Bahadur Lala
Parsons, Mr A A L
Pillai, Mr A. A.
Rainy, The Honourable Sir George
Rajah, Rao Bahadur M C
Rau, Mr H Shankar
Sahi, Mr Ram Prashad Narayan
Sams, Mr H A
Sarma, Mr R S
Schuster, The Honourable Sir George
Scott, Mr J Ramsay
Sen, Mr U N
Sorley, Mr H T
Stodart, Mr J C
Studd, Mr E
Suhrawardy, Dr A
Sykes, Mr E F
Tin Tut, Mr.
Turner, Mr A C
Young, Mr. G M

The motion was adopted.

Mr. President : I will now take up the second amendment moved by Mr Farookhi. The question I have to put is. ....(*Honourable Members*: "Withdraw, withdraw.") Does Mr. Farookhi want to withdraw his motion ?

Mr. Abdul Latif Saheb Farookhi : Sir, I feel that my object has been served by the speeches that have been made in the light of what my Honourable friend, Sir George Rainy, has said, I hope that good sense will prevail on both sides and in that hope I beg leave to withdraw my motion

Mr President : The question is that leave be granted to Mr. Farookhi to withdraw his amendment

The motion was, by leave of the Assembly, withdrawn

Mr President : I shall now put the original Demand. The question is :

"That a reduced supplementary sum not exceeding Rs 2,65,900 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1931, in respect of 'Miscellaneous'"

The motion was adopted

EXPENDITURE IN ENGLAND UNDER THE CONTROL OF THE SECRETARY OF STATE FOR INDIA.

The Honourable Sir George Schuster : Sir, I beg to move :

"That a supplementary sum not exceeding Rs 2,78,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1931, in respect of 'Expenditure in England under the control of the Secretary of State for India'"

Mr. President : There are two cuts on this motion ; but as all the questions raised in those cuts have already been debated, I rule both those amendments out of order, and I shall put the original Demand to the vote of the House The question is :

"That a supplementary sum not exceeding Rs 2,78,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1931, in respect of 'Expenditure in England under the control of the Secretary of State for India'."

The motion was adopted

The Assembly then adjourned till Eleven of the Clock on Monday, the 14th July, 1930.

LEGISLATIVE ASSEMBLY DEBATES

MONDAY, 14th JULY, 1930

Vol. IV—No. 6

OFFICIAL REPORT

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1930

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LEGISLATIVE ASSEMBLY.

Monday, 14th July, 1930.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr President in the Chair.

QUESTIONS AND ANSWERS

Mr D K. Lahiri Chaudhury : Sir, may I ask the question which stands in the name of Mr Das, with your permission ?

Mr. President : I have received no information from the Honourable Member. Before the answer is given, I should like to point out to the Honourable Member that the practice of my Honourable predecessor was that, if any Honourable Member wanted another Honourable Member to put the question standing in his name, he should intimate that fact in writing to the Honourable the President In this instance, I have received no written requisition from the Honourable Member, but as the Secretary says he has received some letter, I allow the question to be put on this occasion But in future the rule which was in force during the time of my predecessor should be observed.

DISCHARGE FROM THE POLICE SERVICE OF MR. GHULAM KASIM KHAN, DEPUTY SUPERINTENDENT OF POLICE, PESHAWAR

1 ***Dr. Nand Lal** (on behalf of Mr B. Das) : 1 (*a*) Is it a fact that Mr Ghulam Kasim Khan, Deputy Superintendent of Police, Peshawar, was recently discharged from the Police Service ?

(*b*) What were the causes which led to his leaving the service prematurely ?

(*c*) Were there any charge or charges against him and, if so, were they enquired into, and by whom and with what result ?

2 (*a*) Did the case ever come up before the Public Service Commission of the Government of India ? If so, what was the finding of the Commission ?

(*b*) Was the finding of the Commission unanimous ? If not, was the question referred to the Government of India ?

(*c*) Did the Government of India back up the majority decision or the minority decision ?

3. (*a*) Is it a fact that shortly after this case was decided, Sir Philip Hartog, a member of the Public Service Commission, proceeded to England on leave and from there submitted his resignation ?

(*b*) Was there any correspondence, prior to his resignation, between Sir Philip and the Government of India ?

(*c*) Is it a fact that throughout in this correspondence, Sir Philip stressed his contention that the Government of India should, as a general rule, support the majority view of the Commission ?

(*d*) Is it a fact that in spite of Sir Philip's contention, the minority view was upheld ?

4. (*a*) Will Government be pleased to state what has been the practice all along in cases of difference of opinion in the Commission ?

(*b*) Does the majority opinion prevail in every case ?

(*c*) In how many cases, since the establishment of the Commission has the majority view not been upheld ?

5 Are Government of India prepared to lay down for the future that in all cases of differences of opinion in the Commission, the majority view shall prevail ? If not, why not ?

The Honourable Mr. H G. Haig . 1 and 2 Mr Ghulam Kasim Khan, late a Deputy Superintendent of Police, was removed from the service in February, 1928, by the Chief Commissioner, North-West Frontier Province, after a Commission appointed to hold a public enquiry under the Public Servants' (Inquiries) Act, 1850, had found him guilty of the charges of having acquired during his service a large sum of money by illegitimate means, of having bought land without permission, and having failed to report such purchases

An appeal against the Chief Commissioner's order was received and referred by the Government of India to the Public Service Commission for advice The majority of the Commission considered that the only charge proved against him was that he failed to report his acquisitions of land The minority considered that the main charge was also proved beyond any reasonable doubt, namely that he had obtained by illegitimate means a large sum of money with which he had purchased land On receiving these two different opinions the Government of India made a thorough examination of the case and accepted the conclusions of the Commission of Enquiry supported by the minority view of the Public Service Commission

3 (*a*) Yes. I must make it plain, however, that Sir Philip Hartog's resignation was submitted on personal grounds and was not connected with this case

(*b*) No

(*c*) and (*d*). Do not arise

4 and 5 Within the Commission the decision of the majority prevails, though it is open to any member to write a note of dissent which may be forwarded to the Government of India at the discretion of the Chairman In regard to the acceptance by the Government of India of the advice tendered by the Public Service Commission, a convention exists that in regard to certain classes of cases their advice should be accepted, save in exceptional circumstances It is the desire and the practice of the Government of India that departures from the convention should be as few as possible, and it is only in very rare cases, such as the one now under consideration, that they have departed from it

REVENUES OF THE INDIAN MUSEUM, CALCUTTA

2 ***Mr S C. Mitra** : 1. Will Government be pleased to state what is meant by a grant-in-aid institution, and the difference between a grant-in-aid institution and a Government institution, and whether the

revenues of a grant-in-aid institution are credited to Government, and whether grant-in-aid institutions submit their detailed annual budgets to Government for sanction ?

2 Will Government state (*a*) whether the Indian Museum of Calcutta is a grant-in-aid institution or a Government institution, and when the said Museum was built, and at what cost, and who provided the money, and whether the revenues of the Indian Museum are credited to Government, and (*b*) whether the Trustees of the Indian Museum can have any private income, in view of Resolution No 19 of June, 1916, Government of India, Department of Education, and (*c*) whether the Trustees of the said Museum submit their detailed annual budget to Government for sanction, and (*d*) whether the Trustees are empowered to reappropriate from one head to another within the sanctioned grant ?

3 Will Government be pleased to say (*a*) what is meant by a lump annual grant-in-aid, and whether a lump annual grant-in-aid shows any details as to how that grant should be utilised under different minor heads, and (*b*) whether the Estimates for Demand for the Central Government for 1930-31 (pages 303-304) show a detailed statement of the number of staff, with their respective pay, and a provision for leave salary of the establishment of the Indian Museum ?

Mr G S Bajpai : 1 As the name indicates a grant-in-aid institution is an institution which receives financial aid from Government, but for the management of which Government are not primarily responsible A Government institution differs from an aided institution in that its management rests exclusively with Government

There is no hard and fast rule regarding the crediting to Government of the income of grant-in-aid institutions. Such institutions are not ordinarily required as a rule to submit detailed annual budgets to Government

2 (*a*) The Indian Museum is a grant-in-aid institution Information regarding the Museum building, its cost and the source from which it was met is contained in the centenary memorial volume entitled " The Indian Museum, 1814—1914 " issued by the Trustees.

(*b*) There is nothing to prevent the Trustees deriving income from sources other than those mentioned in the Resolution referred to by the Honourable Member So far as Government are aware the Trustees do derive a small income now from the rent of a shop that they have leased

(*c*) and (*d*). The replies are in the affirmative

3 (*a*) A lump grant-in-aid is intended to cover broadly the whole or part of the expenditure of an institution or on a particular object, and may cover expenditure under several minor heads

(*b*) Yes

Reduction of the Pay of the Head Clerk of the Indian Museum, Calcutta.

3. *Mr. S. C. Mitra : 1. (*a*) Will Government be pleased to state (*a*) whether the Trustees of the Indian Museum are empowered to create any new post, or alter the salary of any officer, without the previous

sanction of the Governor General in Council, and (*b*) whether the holder of a ministerial office is an officer, and (*c*) whether the pay of the late Head Clerk of the Indian Museum was reduced with the previous sanction of the Governor General in Council ?

2. Will Government be pleased to state (*a*) the conditions of service in the Indian Museum, and who determined those conditions, and whether service, the conditions of which are determined by Government, is Government service, and (*b*) whether a Government servant for the time being in " foreign service " can draw his pay from the General revenues ?

3 Will Government please state (*a*) the difference between " appointment " and " employment ", and (*b*) whether the Public Service Commission and the Heads of Government Departments, who are authorised to appoint officers in the service of the Crown in India, also *employ* the officers appointed by them, and (*c*) whether the Trustees of the Indian Museum are empowered to employ officers, as distinct from appointing them ?

4 Will Government be pleased to state whether the Devolution Rules, under which a Central subject can receive aid from the Central revenues, provide that the charge of the cost of the establishment of a Central subject, which is not a Government Department, *e.g.*, the Victoria Memorial, Indian Institute of Science, Bose Research Institute and the Asiatic Society of Bengal, falls on the Government of India ?

5 Will Government be pleased to state (*a*) whether the late Head Clerk of the Indian Museum held a substantive and permanent appointment in the Zoological Survey Department before his services were *transferred* to the office of the Trustees of the Indian Museum , and (*b*) whether transfer of service means resignation or termination of service, and (*c*) whether the late Head Clerk of the Indian Museum was a Government servant, and whether his memorial shall therefore be considered by Government ?

Mr. G S. Bajpai : 1. (*a*) There is no objection to the Trustees creating a new appointment, or altering the salary of an existing one, without the prior approval of Government provided that they bear full responsibility for the financial consequences of their action

(*b*) The incumbent of a ministerial post under Government is a public servant but is not described as an officer

(*c*) No

2. (*a*) I would invite the Honourable Member's attention to section 13 of the Indian Museum Act, No X of 1913

(*b*) I would refer the Honourable Member to rule 9 (7) of the Fundamental Rules

3 (*a*) The appointment of a person is a condition precedent to his employment by the appointing authority

(*b*) and (*c*) The Public Service Commission do not make appointments, except to their own staff Other appointing authorities including the Trustees of the Indian Museum are obviously competent to employ those whom they can appoint

4. There is nothing in the Devolution Rules to prevent a grant-in aid from central revenues being expended upon establishment, so long as the conditions of the grant do not prohibit this.

(*c*) Why was the Trustees' Clerk discharged when his appointment was not abolished ?

(*d*) Under what clause of the Indian Museum Act, 1910 (X of 1910), are the Trustees of the Indian Museum specifically empowered to discharge a Government servant ?

Mr G S. Bajpai : (*a*) The reply to parts (*e*), (*f*) and (*g*) of question No. 77 in the Council of State asked on the 25th September, 1929, referred to matters relating to the Indian Museum, Calcutta, dealt within that question, and did not imply that the clerk concerned was a " non-gazetted Government servant ".

(*b*) The reply to the first part of the question is in the affirmative All civil servants hold office at the pleasure of the Crown subject to such rules as may be made under section 96-B of the Government of India Act

(*c*) The clerk was discharged on refusing to serve on his original salary, or, in the alternative, of retiring on compensatory pension

(*d*) The Trustees of the Indian Museum have no power under the Indian Museum Act, 1910, to discharge a Government servant

PERMANENCY OF THE CREW SYSTEM OF TICKET CHECKING

6. ***Dr. Ziauddin Ahmad** : When will Government decide the permanency of the crew system ?

Mr. A. A. L. Parsons : A committee has been appointed by the Railway Board recently, to enquire into the working of the crew system. On receipt of their report a decision will be reached whether the crew system should continue.

HOURS OF WORK OF MEMBERS OF CREWS AND GRANT OF COMPASSIONATE ALLOWANCE IN CASES OF ACCIDENT

7. ***Dr. Ziauddin Ahmad** : (*a*) How many hours each day are the members of crew expected to work ? Are they allowed overtime allowances ? If not, why not ?

(*b*) Have Government given any compassionate allowance to the families of the crew and the crew-in-charge who accidentally died on duty ?

(*c*) Is the compassionate allowance reserved for persons who bear European names ? If not, will Government be pleased to state the names of persons to whose families compassionate allowances or pensions were given after their accidental death ?

Mr. A A. L. Parsons : (*a*), (*b*) and (*c*). The Honourable Member is referred to the reply given to his unstarred question No. 351 on 31st March, 1930, and the information supplied to him in Railway Board's letter No 261-L of 30th April, 1930.

ABSORPTION OF RESERVE DEPRECIATION FUNDS IN WAYS AND MEANS BALANCES.

8 ***Dr Ziauddin Ahmad** : (*a*) Are the Reserve Depreciation Funds, amounting to about Rs. 30 crores, absorbed in the Ways and Means

Balances of the Government of India, and have the Government of India considered the question of the soundness of this as a financial policy ?

(*b*) Was the Auditor General ever consulted about it ?

(*c*) If not, do Government propose to consult him now ?

The Honourable Sir George Schuster : (*a*) Government consider that the particular arrangement referred to is financially sound provided that the general financial position of the Government is maintained, as it has been hitherto, on a sound and stable basis.

(*b*) and (*c*). The Auditor General is fully aware of the present position

PURCHASE OF THE BENGAL AND NORTH WESTERN RAILWAY.

9. ***Dr. Ziauddin Ahmad** : (*a*) What steps have Government taken to purchase the Bengal and North Western Railway ? Will Government lay the correspondence on the table ?

(*b*) Are Government contemplating floating a loan in India, or partly in India and partly in England, for the purchase of the Bengal and North Western Railway ?

(*c*) Will Government clearly mention whether they intend to purchase the Railway after the expiry of their contract in 1931 ? Are they aware of the strong public feelings about its purchase ?

Mr A A. L. Parsons The Railway cannot be taken over until the 1st of January, 1933, and notice of intention to terminate the contract need not be given before the 31st December, 1931 Government have not yet come to any conclusions on the question, but its consideration is now being taken up They are aware of the expression of opinion on the subject

Mr. Gaya Prasad Singh : May I know, Sir, when a decision on this matter is likely to be arrived at ?

Mr A. A. L. Parsons : The matter is now under consideration, Sir, and the Honourable the Railway Member gave, last Session, an undertaking that this House would have an opportunity of expressing its views on the question No decision can therefore be reached until this House has had an opportunity of expressing its views, that is until after the next Session.

Mr. Gaya Prasad Singh : Are Government aware that the improvement of the system is to some extent arrested owing to the uncertainty which overhangs the fate of this Railway ?

Mr. A. A L. Parsons : No, Sir , I do not think I can recollect any occasion when proposals which had been put forward have been delayed merely because the possibility of Government acquiring the system is under consideration.

Mr Gaya Prasad Singh : May I know when did the Honourable gentleman last travel on that Railway ?

Dr. Ziauddin Ahmad : Are Government aware that this Railway is giving the maximum profits by reducing expenditure on its establishments ?

Mr. A. A. L. Parsons : I should not like categorically to accept the reason given by the Honourable Member for profits declared by the Bengal and North Western Railway.

Mr. Gaya Prasad Singh : Are Government aware that Colonel Izat, in one of the meetings of the Board of Directors, expressed his opinion at the commencement of this year that the improvement of the system is to some extent arrested on account of the uncertainty which overhangs the fate of that Railway, and I think I quoted that in course of my speech on the Railway Budget in Delhi ?

Mr. A. A. L. Parsons : I do not recall it, but I am perfectly prepared to take it from the Honourable Member

Dr. Ziauddin Ahmad : Will Government consult the Assembly before taking any final step in the matter ?

Mr. A. A L. Parsons : As I have already explained, that is the intention of the Government

UTILIZATION OF UNCLAIMED INTEREST ON GOVERNMENT SECURITIES

10. ***Dr. Ziauddin Ahmad** : (*a*) Will Government please state the action they have taken on the Resolution passed by the Council of State on the 16th February, 1927, about the expenditure of unclaimed interest for Muslim education ?

(*b*) What is the amount of unclaimed interest accumulated till 31st March, 1930 in :

(*i*) The Post Office Savings Bank ,

(*ii*) War and other bonds that have been matured ,

(*iii*) Government Securities and Government Guaranteed Securities ;

(*iv*) Deposits in the Imperial Bank ?

(*c*) Are Government prepared to show in their annual Budget the aggregate amount of unclaimed interest under each head ?

The Honourable Sir George Schuster : (*a*) The attention of the Honourable Member is invited to the reply given in the Council of State on the 12th September, 1927, to the Honourable Sir Haroon Jaffer's question No. 118 It will be seen from this reply that Government were prepared to take action provided that a scheme was prepared by a representative body of Muslims. Government have, however, received no applications for action on the lines stated

(*b*) and (*c*). The Honourable Member's attention is invited to my reply to his unstarred question No. 355 on the 31st March, 1930.

Mr. Anwar-ul-Azim : Will the Honourable Member kindly tell us whether this matter was not agitated here on the floor of the Assembly a couple of years ago ?

The Honourable Sir George Schuster : Is my Honourable friend informing me that this matter has been before the Assembly for two years ?

Mr. Anwar-ul-Azim : Yes.

The Honourable Sir George Schuster : I am quite prepared to take it from the Honourable Member.

DISCONTENT AND HARDSHIP CAUSED BY DUTIES IMPOSED UNDER THE SALT ACT.

11. ***Mr B N. Misra** : Are Government aware of the great discontent and hardship caused by the duties imposed under the Salt Act of 1882 and the subsequent Acts amending the same ?

The Honourable Sir George Schuster : Government do not consider that the existing salt tax is the cause either of hardship or legitimate discontent.

Mr. N G. Ranga : Are not Government aware that there is widespread discontent in the country ?

Mr. President : This is not a supplementary question.

CONVICTIONS UNDER THE SALT ACT.

12 ***Mr. B. N Misra** (*a*) Are Government aware that there have been several convictions under the Salt Act in different provinces of India ?

(*b*) If so, will Government be pleased to state

(*i*) the total number of convictions under the said Act during the last six months in British India ,

(*ii*) the number of convictions in which sentences of fine only have been imposed ,

(*iii*) the number of convictions in which sentences of imprisonment up to six months have been passed , and

(*iv*) the number of convictions in which sentences of imprisonment of over six months have been passed ?

The Honourable Mr. H. G Haig : The information required is being collected and will be furnished to the Honourable Member in due course.

Mr Gaya Prasad Singh : In view of the importance of this question, may I request that the answer be laid on the table of the House ?

The Honourable Mr. H. G. Haig : Certainly If I can get the information before the end of the Session, it will be laid on the table of the House.

ASSAULTS ON SATYAGRAHIS BY THE POLICE.

13. ***Mr. B. N. Misra** Are Government aware of the discontent on account of the dealings with and assaults on Satyagrahis by the police and other officials of Government ?

The Honourable Mr. H. G. Haig : I would recall to the Honourable Member the observations made in this matter by His Excellency the Viceroy in his speech to the Indian Legislature on the 9th July, 1930.

RESIGNATIONS OF MEMBERS OF LEGISLATURES AS A PROTEST AGAINST REPRESSIVE MEASURES

14 *Mr. B. N Misra Will Government be pleased to state the number of Members who have resigned as a protest against the repressive measures of Government :

(*a*) in this Assembly , and

(*b*) in the several Provincial Legislative Councils during the last six months ?

The Honourable Mr. H. G. Haig : (*a*) Eight, I should judge so far as reasons for resignation have been given.

(*b*) With regard to Provincial Legislative Councils a statement is laid on the table giving the information so far as it is known to the Government of India.

Statement giving the number of Members of the Provincial Legislative Councils who resigned as a protest against the repressive measures of Government during the last six months

Madras	8
Bombay	20
Bengal	1
United Provinces	8
Punjab	1
Burma	1
Bihar and Orissa	7
Central Provinces	8
Assam	3
Coorg	*Nil*
Total	57

ARRESTS UNDER ORDINANCE No 1 OF 1930.

15. *Mr S. C. Mitra : (*a*) Will Government be pleased to lay on the table a list of names, which details as to their date of arrest, previous convictions, or internments, if any, present state of health, the place of detention, the amounts of personal and family allowance granted to the persons who have been proceeded against under Ordinance No. 1 of 1930 ?

(*b*) Will Government please state how many of the persons who were first arrested under the Ordinance have subsequently been released by the police or by the scrutiny of the Judges ?

(*c*) How many houses were searched under the said Ordinance, and in how many cases were incriminating articles seized, and what was the nature of those articles ?

(*d*) Will Government please state in how many cases persons once released were arrested shortly after, and the reasons therefor ?

The Honourable Mr. H. G. Haig : I have made enquiries from the Government of Bengal in regard to this and the next question and will furnish the Honourable Member with a reply in due course. I am not sure, however, that I shall be able to supply all the information asked for. I think the practice was established in the past that details regarding individual prisoners were dealt with in the Local Legislative

INTERVIEWS WITH ORDINANCE INTERNEES

†16. ***Mr. S. C. Mitra** : (*a*) Are Government aware that an officer of the Intelligence Branch is always present when interviews are granted with Ordinance internees ?

(*b*) If the answer to part (*a*) be in the affirmative, will Government please explain why interviews with certain persons are rejected by police officers ?

(*c*) Is it a fact that sometimes police officers demand the grounds and reasons for which interviews are sought and then refuse interviews without giving any reasons ?

(*d*) Is it not a fact that, during interviews, police officers sometimes object to certain discussions which are then stopped ? If so, will Government please explain why interviews are now and then refused ?

(*e*) Will Government please inquire if interviews sought on business grounds in the presence of police officers have also been refused by the Bengal Criminal Intelligence Department ?

NEWSPAPERS SUPPLIED TO POLITICAL PRISONERS.

17. ***Mr. S. C. Mitra** : (*a*) Are Government aware that only Anglo-Indian and pronounced anti-nationalist papers are allowed to political prisoners and papers like the *Tribune, Leader, Hindusthan Times, Hindu, Bombay Chronicle, Liberty* and *Amrita Bazar Patrika* are banned ?

(*b*) If so, will Government state the reasons for such discrimination ?

The Honourable Mr. H. G. Haig : The Government of India have no information as to the newspapers which are supplied in the jails of the different provinces Their general policy on this subject was announced in a communiqué‡ published on the 19th February last.

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†For answer to this question, *see* answer to question No 15

‡*Extract from a communique issued by the Government of India on the 19th February, 1930*

The Government of India accept the principle that reasonable facilities, subject to safeguards, should be provided by the Government for the intellectual requirements of the educated and literate prisoners Local Governments will be requested to examine the condition of Jail Libraries in the provinces and in cases where those are non existent or defective, to take early steps to establish or improve them. Literate prisoners may be allowed to read books and magazines from outside subject to the approval of the Jail Superintendent

Newspapers will be allowed to "A" class prisoners on the same conditions as under the existing rules, they are allowed to special class prisoners, that is, in special circumstances and with the approval of the Local Government. As regards literate persons generally, where the Local Governments publish a Jail newspaper or where they intend to publish it, this publication will be available once a week for literate prisoners. Where the Local Governments are unable to publish a weekly newspaper, the Government of India have decided that a few copies of a weekly paper approved by the Local Government should be provided at Government expense for 'A' and 'B' classes of prisoners

NEWSPAPERS AND PRESSES REQUIRED TO FURNISH SECURITY.

18 *Mr. S. C. Mitra : (*a*) Will Government please state :

(*i*) the names of the presses and papers against which security has been demanded under Ordinance II of 1930, with the amount of security demanded in each case ,

(*ii*) the names of presses and papers that have ceased to exist due to the demand of the security ; and

(*iii*) the names of the papers and presses that have been warned ?

(*b*) Will Government please explain if security has been demanded of papers for their opinion published before the promulgation of the Ordinance ? If not, will Government please state whether some of the Local Governments, immediately with the promulgation of the Ordinance and without waiting to see its effect, or giving any warning, at once demanded security from certain papers and presses ? If so, why ?

(*c*) Will Government please state the amount of security deposited by different presses and papers ?

(*d*) Has there been any occasion for confiscation of the security ? If so, in what cases ?

(*e*) Have Government in some cases lowered the amount of security ? If so, in what cases ? Is it of their own motion or on a representation of the interested parties ?

The Honourable Mr. H. G. Haig : Local Governments have been addressed, but I am afraid the information is not yet quite complete. I hope to be able to lay a statement on the table before the end of the Session.

PROSECUTIONS FOR RECENT POLITICAL OFFENCES.

19. *Mr S. C. Mitra : (*a*) Will Government be pleased to supply a list showing the number of persons in different provinces up-to-date who have been prosecuted or punished for the infringement of the salt laws, civil disobedience or sedition ?

(*b*) Will Government please give the names of the ladies who have been punished under the said laws ?

The Honourable Mr. H. G. Haig : The information in my possession shows that from the 6th April to the 15th June, 1930, the number of persons convicted in connection with the Civil Disobedience Movement is approximately 4,377. I regret I have no detailed information about the number of women convicted or the offences for which the persons referred to above were convicted.

Mr. S. C. Mitra : Does the Honourable Member consider that they are not important enough ?

The Honourable Mr. H. G. Haig : Not necessarily. We have not got the information. We have been able to collect the information as to the total number of people from the Local Governments, but we have no information available about the number of women convicted. If the Honourable Member attaches special importance to it, I will certainly address the Local Governments on the subject.

Mr. A. H. Ghuznavi : Will Government be pleased to state how many of those gentlemen who have been convicted for civil disobedience are Hindus and how many Mussalmans ?

The Honourable Mr. H G. Haig : I am afraid I have no information on the subject

Mr. A. H. Ghuznavi : Will Government kindly give us the information at a later date as to the number of Mussalmans that have been convicted for civil disobedience ?

The Honourable Mr. H. G Haig : I should be prepared to make enquiries from Local Governments and furnish the information to the Honourable Member

Dr Nand Lal : May I ask how many persons were convicted in the Punjab ?

The Honourable Mr H G Haig : I think I should require notice for that I have no information, but I have no doubt I could get the information.

CASES OF FIRING ON DEMONSTRATORS

20. *Mr. S. C. Mitra : (*a*) Will Government please state the cases where firing had to be resorted to and the number of casualties in each case ?

(*b*) Will Government state the circumstances under which responsible officers were compelled to open fire in each case ?

The Honourable Mr. H G Haig : (*a*) Complete information is only available for the months of April and May and is contained in the statement laid on the table

(*b*) Resort to firing was necessary either in self-defence or to disperse unlawful assemblies under Chapter IX of the Code of Criminal Procedure So far as Government are aware, the unlawful assembly was in every case guilty of violence before resort was had to firing.

Casualties during the month of April, 1930

Provinces	Casualties among the public		Remarks.
	Killed	Wounded	
Madras— Madras City, April, 27th	2	6 (One died subsequently)	Warning given by Commissioner of Police.
Bombay Victoria Terminus, 4th April (Railway strike).		7 (One died subsequently.)	19 rounds were fired by the Police on Railway strikers in self-defence. No time to give warning
Bhusawal, 6th April (Railway strike).	*1	*2	* These casualties were a result of accident. A gun which was being snatched from a constable went off. This happened during Railway strike.

Provinces	Casualties among the public. Killed	Wounded	Remarks.
Kurla, 6th April (Railway strike)		1	4 or 5 rounds were fired in self defence against Railway strikers by the Police wounding one person
Karachi, 16th April	1	6 (One of whom died subsequently)	Police fired on Magistrate's order after warning given
Bengal—			
Calcutta, 1st April	7	59	Warning of firing given
Calcutta, 15th April		*3	* Slightly wounded Sergeant fired in self-defence
24-Parganas, 24th April	1	3	Warning given
Chittagong, 18th, 19th and 22nd April	10 (Terrorists)	2 (Terrorists, both died subsequently)	
Noakhali (Feni), 23rd April		.	Attack by armed terrorists
Chittagong, 24th April	1 (Terrorist)		
N. W F Province (Peshawar), 23rd April	30	33 (approximate)	See report of Peshawar Enquiry Committee
	May, 1930		
Madras, May, 1930 .		2	Warning given.
Bombay—			
Sholapur, 7th May	..		Disturbances started on 7th at Sholapur, no firing resorted to on that day but members of the Police were attacked
Sholapur, 8th May	12	28	Firing at intervals on six separate occasions Warning given on all occasions except one when almost immediately after the first firing police lorries had to be stopped in order to rescue excise sub-inspector and his peon who were on the point of being murdered.
Wadala Salt Pans, 24th May	.	1	Warning given before firing.
Bhendy Bazar, 26th and 27th May	5	67	Firing at intervals Warning given
Bengal—			
Howrah, 6th May	.	5	Warning given.

Provinces	Casualties among the public		Remarks
	Killed	Wounded	
Bengal—			
Chittagong, 7th May	3 insurgents and 1 other	1 Insurgent 1 (who died subsequently and 5 others two of whom died subsequently)	Armed rebellion.
Mymensingh, 14th May	1	Between 30 to 40	Warning given.
Dacca, 25th and 27th May (Communal riot)	2	1	
Lillooah, 29th May (E I Railway strike)	.	5	Warning given to strikers.
Midnapur (Pratapdighi), 31st May.	2	2	Warning given.
United Provinces— Lucknow, May 26th.	1	About 42 (2 died subsequently)	A mob attacked Aminabad out post Three Lathi charges with warning on each occasion before firing was ordered
Punjab—			
Kalu, Jhelum District, May 18th	.	1	District Magistrate declared assembly unlawful and gave order of dispersal On refusing to disperse order of firing was given
Burma—			
Rangoon, last week of May	5	37	Warning was given whenever possible and firing was resorted to only to save the lives of the public
N. W F P	17	37	The figures include 9 killed and 18 wounded on the 31st May at Peshawar
Delhi, 6th May	4	40	The police fired in self-defence.

Detention of Mahatma Gandhi

21 ***Mr. S. C. Mitra** : (*a*) Will Government please explain the reasons why Mahatma Gandhi has been detained under Regulation 25 of Bombay and not prosecuted under the Indian Penal Code ?

(*b*) Was there no specific case against him ?

(*c*) Is it not a fact that Mahatma Gandhi openly said that he was guilty of sedition and there was enough evidence to prove it ?

The Honourable Mr. H G Haig : (*a*), (*b*) and (*c*). Government have no doubt that there was adequate material on which Mr Gandhi might have been successfully prosecuted under the ordinary Criminal Law They considered, however, having regard to all the circumstances, that the public interest would be better served by his detention under the Bombay Regulation

Mr Gaya Prasad Singh : May I ask what were the circumstances which Government took into consideration before deciding not to launch a regular prosecution against Mahatma Gandhi ?

The Honourable Mr H G. Haig One of the considerations

Mr Gaya Prasad Singh : I want to know all the considerations if possible (Laughter)

The Honourable Mr. H. G Haig It is difficult always to give all the considerations, but I think one of the main considerations present in the mind of the Government was that they thought that on the whole it would be more in accordance with public feeling, certainly in the Bombay Presidency

Amnesty for Political Prisoners

22 ***Mr. S C Mitra** : Do Government propose to grant a general amnesty to political prisoners to ease the political tension ?

The Honourable Mr H. G. Haig : While the civil disobedience movement is in progress, no question of this nature can arise

Withholding of Telegrams addressed to the Bengal Provincial Congress Committee

23. ***Mr. S. C. Mitra** : (*a*) Is it a fact that Mr R H D Parret, on behalf of the Postmaster General, Bengal and Assam Circle, issued circulars that all telegrams addressed to (*i*) the Bengal Provincial Congress Committee or any member or office-bearer thereof, (*ii*) Maulana Abul Kalam Azad, (*iii*) Sj Purna Chandra Das, should be detained and immediately disclosed to the Deputy Inspector General of Police, I B, C I D of Bengal ?

(*b*) If so, under what authority and how many telegrams have been withheld under the said orders ?

The Honourable Mr H G Haig : The Telegraph Act provides Government with power to intercept telegraphic correspondence They cannot undertake to disclose details regarding any action that may be taken by them in the exercise of those powers , but the powers have been used against certain organisations and individuals concerned in the civil disobedience movement

Casualties in the Bakr-id Riots at Digboi, Assam

24 ***Mr Anwar-ul-Azim** : (*a*) Will Government be pleased to state how many Muslims and Hindus have been killed or wounded in the Digboi Bakr-id riots (Assam) ?

(*b*) Is it a fact that the local authorities allowed the rioters to get prepared for the attack on the Muslims on Saturday, the day of Muslim festival ?

(*c*) Is it a fact that a non-Muslim gentleman, who has clients amongst the non-Muslim accused and suspects, is conducting the prosecution, in spite of the representation of the Muslims, and that against their desire ?

The Honourable Mr H. G Haig : (*a*) and (*b*) I would invite the Honourable Member's attention to the Communiqué issued by the Government of Assam on the 21st May, 1930

(*c*) I have no information

Mr Anwar-ul-Azim : Will the Honourable Member kindly make inquiries on his own initiative in the interests of public justice and safety and get the information that I want in (*a*) and (*b*) without relying on the communiqué of the Government of Assam ?

The Honourable Mr H G Haig I think the information required by the Honourable Member with regard to (*a*) and (*b*) is very fully given in the Local Government's communiqué

Mr A H. Ghuznavi Are Government aware that in Bengal and Assam it was said that the rioters in the Assam trouble were supplied with arms and ammunition and other materials by the Chittagong rebels to fight the Mussalmans ?

The Honourable Mr H. G. Haig : I have heard no suggestion of that sort, and I think it is quite clear from the communiqué of the Assam Government that they have no information to that effect

Mr A H Ghuznavi : Will Government kindly make enquiries into this matter ?

The Honourable Mr H G Haig : I don't think that it is really necessary There was no question, I think, of munitions being used. This was one of those deplorable but not infrequent communal clashes, and I do not think that there was any question of special munitions being employed

Low Standard of Archaeological Reports

25 ***Mr S C. Mitra** : (*a*) Has the attention of Government been drawn to Circular No 333-69, dated the 1st July, 1929, issued by the Director General of Archæology, in which that officer admits that many of the contributions to the Annual Report were lamentably poor, drawn up carelessly and illogically and in such indifferent literary style that it has been necessary to re-write them ? Is this criticism intended to be a reflection on the calibre of Superintendents appointed to hold charge of provinces ?

(*b*) What steps do Government intend to take to raise the standard of scholarship in the Archæological Department ? Do the Government of India intend to thresh out the whole question of appointments in this Department, if necessary with the help of an expert committee ?

Mr G. S. Bajpai : I would invite the Honourable Member's attention to the answers given to Shaikh Mushir Hosain Kidwai's questions Nos. 548 and 549 on the 12th March, 1930, in this House

APPOINTMENT OF DIRECTOR GENERAL OF ARCHAEOLOGY

26 ***Mr S C. Mitra** : Have Government considered the question of appointing a successor to Sir John Marshall, as Director General of Archæology ? What are the names and qualifications of the officers who have been appointed to act in his place during the last three years ?

Mr G S Bajpai : I would invite the Honourable Member's attention to the answer given on the 12th March, 1930, to Shaikh Mushir Hosain Kidwai's question No 550 in the Legislative Assembly

EXTENSIONS OF SERVICE GRANTED TO ARCHAEOLOGICAL OFFICERS

27 ***Mr. S C Mitra** : (*a*) Will Government be pleased to state the names, if any, of officers of the Archæological Department who have been granted extensions after they had completed 55 years of age and if so, for what reasons ?

(*b*) Is it a fact that the Superintendent of the Archæological Section of the Indian Museum was granted an extension after a serious illness—chronic rheumatism and high blood pressure ? Will similar extensions be granted to him upto the sixtieth year ?

Mr G S Bajpai : (*a*) A statement giving the information asked for by the Honourable Member is laid on the table of the House

(*b*) Rai Bahadur Rama Prasad Chanda was granted leave on medical certificate for three months from the 15th of October, 1928, on account of high blood pressure, but was certified by the Civil Surgeon, 24 Parganas, as fit to resume his duties in Government service on his return from that leave No mention was made in the medical certificate of chronic rheumatism. The question of granting him a further extension has not yet arisen

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Statement giving the names of officers of the Archaeological Department who have been granted extension of service after attaining the age of 55 years and the reasons therefor

(1) Mons Charles Duroiselle, Superintendent, Archæological Survey, Burma Circle, was granted an extension in order to enable him to see through the press the monographs noted on the margin on which he is engaged and to undertake extensive touring to complete a photographic record of wall paintings in Burma.

The Arcnda Temple at Pagan
The Trilingual Shwezigon Bell Inscription
The 550 plaques at Pagan illustrating the Jatakas
The Notes on the Discoveries at Hmawza (Old Prome)

(2) Rai Bahadur Rama Prasad Chanda, Superintendent, Archæological Section, Indian Museum, Calcutta, was granted an extension owing to the shortage of officers in the Archæological Department, which made it impossible to arrange for the training of an officer to succeed him without serious dislocation of work, and to permit him to complete a Guide to the Sculptures in the Archæological Section, Indian Museum, that he was preparing The Guide will be published in three volumes, the first volume will deal with the pre Sunga and Sunga sculptures, the second with the sculptures of Gandhara, Mathura and Amaravati, and the third with the Gupta and Mediæval sculptures In addition, owing to the death of Mons Senart, to whom the work was originally entrusted, the Rai Bahadur will now have to edit the Sanchi inscriptions for the Sanchi Monograph.

SERVICE FOR PENSION OF THE ASSISTANT CURATOR, ARCHAEOLOGICAL SECTION, INDIAN MUSEUM

28 ***Mr S C Mitra** Will Government be pleased to state whether the Assistant Curator of the Archæological Section, Indian Museum, who has been granted pension last year, served under the Trustees of the Indian Museum ? If so, for how many years ? Has that service been reckoned in calculating his pension ? What contributions, if any, have the Trustees made towards the cost of his pension ?

Mr. G. S Bajpai : Pandit Binode Bihari Bidyabinod, the Assistant Curator referred to served under the Trustees of the Indian Museum from 14th June, 1901, to 28th February, 1911 This period has been taken into account in calculating his pension The question of recovering contributions from the Trustees is still under consideration

PROMOTIONS IN THE POSTAL DEPARTMENT

29 ***Mr Anwar-ul-Azim** . (1) Will Government be pleased to state

(*a*) whether prior to the 1st September, 1927, there were three grades, *viz* , Rs 100—175, 145—170 and 175—225 in the Post Office Department ,

(*b*) whether the Inspectors and Divisional Head Clerks to the Superintendents of Post Offices were in the grade of Rs 100—175 ,

(*c*) whether the officials in the grade of Rs 100—175 used to get promotion to the grade of Rs 175—225 ,

(*d*) whether the passed candidates whose names were borne on the waiting list of different Postal Circles for promotion to the cadre of Inspectors of Post Offices and Divisional Head Clerks to the Superintendents of Post Offices used to be promoted in vacancies caused by the promotion of officials referred to in (*b*) above to the next higher grade of Rs 175—225 ,

(*e*) whether the above three grades of Rs 100—175, 145—170 and 175—225 were amalgamated into one grade of Rs 160—250 with effect from the 1st September, 1927 ,

(*f*) whether, due to the above amalgamation, the vacancies which used to occur in the cadre of Inspectors and Divisional Head Clerks by promotion of the latter to the next higher grade of Rs 175—225 ceased to occur from the date of amalgamation , and

(*g*) whether such cessation of occurence of vacancies blocked the prospects of promotion of the passed candidates referred to in part (*d*) above ?

(2) (*a*) If the replies to the above questions are in the affirmative, will Government be pleased to state what steps, if any, they have taken to protect the interests of the passed candidates who are deprived of an avenue to promotion due to administrative arrangement ?

(*b*) If nothing was done in that direction, will Government be pleased to state whether they now propose to provide some measure of relief to

compensate those officials from the loss of promotion already sustained by them from the 1st September, 1927, to date, and whether they propose to take any steps to protect such officials from any further loss of promotion in future ?

Mr H A Sams : (1). (*a*) to (*e*). Yes, Sir

(*f*) and (*g*) The replies are in the negative With the introduction of the lowest selection grade of Rs 160—10—250 both for officials in the general line of the Post Office and for Inspectors of Post Offices and Head Clerks to Divisional Superintendents of Post Offices a separate cadre for the latter classes of officials ceased to exist, but the actual posts have not ceased to exist and vacancies in these posts therefore occur Officials who had passed the former examination for promotion to the cadre of Inspectors and Divisional Head Clerks in the grade of Rs 100—5—175 are eligible for promotion to any of the posts included in the revised grade of Rs 160—10—250 in order of seniority along with those who have passed the new departmental lower selection grade examination and they also have the chance of entering the next higher grade of Rs 250—20—350 earlier, seeing that they will not have to pass through an intermediate grade of Rs 175—10—225 which existed before Their promotion has not therefore been blocked though their prospects have been affected to a certain extent

I have the matter in hand I propose to take certain steps in the interests of these passed men

(2) (*a*) and (*b*) Do not arise in view of my reply to parts 1 (*f*) and (*g*)

PROMOTIONS IN THE POSTAL DEPARTMENT

30 ***Mr Anwar-ul-Azim** : (1) Will Government be pleased to state

(*a*) whether in the Post Office Department the names of the passed candidates used to be arranged on a waiting list for promotion to the cadre of Inspectors and Divisional Head Clerks in order of merit displayed by each in the departmental examination ,

(*b*) whether the Director General, Posts and Telegraphs has, in paragraph 6 of his memorandum No E A-279|28, dated the 11th February, 1928, ruled that the names of the above officials will be rearranged in a new waiting list according to the seniority of service, along with those who have passed the recent lowest selection grade examination held in the month of December, 1929 ,

(*c*) whether the officials who sat for the lowest selection grade examination referred to in (*b*) above, were selected according to strict seniority in the ordinary clerical time-scale grade of different cadres ; and

(*d*) whether the officials who passed the departmental examination of Inspectors and Divisional Head Clerks were nominated, irrespective of seniority, by the Supervising Officers as being most suitable men for the special appointments of Inspectors and Divisional Head Clerks ?

(2) If the replies to the above questions are in the affirmative, will Government be pleased to state, whether they propose to place the names of such officials on the top of those who passed the lowest selection grade examination ? If not, why not ?

Mr H A. Sams : (1) (*a*) In some Circles the names of the passed officials used to be arranged in order of merit , in others they were arranged according to seniority in the gradation list

(*b*) Yes The names have been ordered to be arranged in the new waiting list in order of seniority in the gradation list of the Circle concerned

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

(2) Government do not consider it necessary to take the action suggested by the Honourable Member The officials who formerly passed the Inspectors and Head Clerks' Examination were eligible for promotion exclusively to posts of Inspectors and Divisional Head Clerks, while by including them in the same list with the officials who recently passed the Lowest Selection Grade Examination they will be eligible for promotion to any of the posts included in the new Lowest Selection Grade of Rs 160—10—250, whether in the Inspectors' line or in the general line As both classes of officials are qualified for promotion to the selection grade posts, the former cannot be accorded the special treatment suggested by the Honourable Member As, however, the prospects of promotion of the men who were on the waiting list of Inspectors and Head Clerks to Superintendents have been somewhat affected, I propose to introduce measures to give them a certain amount of protection

PROMOTIONS IN THE POSTAL DEPARTMENT

31 ***Mr Anwar-ul-Azim** : (1) Will Government be pleased to state

(*a*) whether in the Post Office Department the appointments of Inspectors and Divisional Head Clerks used to be filled up exclusively by such officials who came out successful at a departmental examination held for the purpose ,

(*b*) whether the names of such successful candidates used to be borne on a waiting list for promotion to the cadre of Inspectors and Divisional Head Clerks ,

(*c*) whether there are a sufficient number of such officials whose names are still borne on the waiting list of different Postal Circles , and

(*d*) whether it is a fact that there are a good number of such officials in each Postal Circle still unprovided for who have been waiting for a long period, ranging from seven years to three years, and whether, in spite of this fact, the Director General of Posts and Telegraphs has issued some orders throwing open the appointments of Inspector and Divisional Head Clerks to those who passed the recent lowest selection grade examination ?

(2) If the replies to the above questions are in the affirmative, will Government be pleased to state the justification for taking such attitude towards the passed candidates waiting for promotion to the cadre of Inspectors and Divisional Head Clerks ?

Mr. H A. Sams (1) (*a*) and (*b*) Yes, Sir

(*c*) There are about 30 officials only of this class in the whole of India and Burma, and in some Circles there are no officials at all of this class

(*d*) The statement contained in the first part of the question is inaccurate in view of what is stated in my reply to part (*c*) The reply to the second part is in the affirmative.

(2) I would invite the Honourable Member's attention to the reply just given to paragraph 2 of his question No 30

APPOINTMENT OF A BRITISH MILITARY CHIEF CLERK IN THE RAWALPINDI ARSENAL

32. ***Mr Anwar-ul Azim** : (*a*) Is it a fact that a British military Chief Clerk has been appointed as a trial in Rawalpindi arsenal and that the Indian Head Assistant will have to take orders from him ?

(*b*) If so, will this not lower the status of the Head Assistant, although it may not affect his pay and allowances ?

(*c*) If a military Chief Clerk has been appointed in Rawalpindi as a trial only, is it a fact that similar appointments have also been created in the Quetta and Kirkee arsenals, where British warrant officers have been appointed as Chief Clerks under local arrangements ?

Mr G M Young : (*a*) and (*c*) As an experimental measure, the British warrant officers, known as Chief Clerks, in charge of the Ordnance Branches of the Arsenal offices of Rawalpindi, Quetta, Kirkee, Ferozepore and Allahabad have been made responsible for the general supervision of certain branches for the detailed and immediate supervision of which Head Assistants are responsible The Head Assistants will therefore receive orders in some matters from the Chief Clerks No addition has been made to the establishment of British other ranks, nor is there any intention of increasing the pay of the Chief Clerks

(*b*) It is not intended that the status of the Indian Head Assistant should be lowered He will continue to have the same access to the Chief Ordnance Officer as he has had in the past

PAY AND ALLOWANCES OF BRITISH WARRANT OFFICERS

33. ***Mr Anwar-ul-Azim** : (*a*) What are the pay and allowances of a British warrant officer ?

(*b*) Is it a fact that the pay and allowances of a senior warrant officer before the war were Rs 190, while the maximum the Head Assistant drew was Rs 240 per mensem ?

(*c*) Does the pay of a warrant officer compare favourably with that of the Head Assistant after the war ?

(*d*) Is it a fact that a Head Assistant now draws less pay than a junior warrant officer ? If so, what is the reason ?

Mr G M Young : (*a*) The pay of a Conductor is Rs 420 a month and that of a Sub-Conductor Rs 380 Both receive allowances amounting to Rs 125 a month

(*b*) The pay and allowances of a senior warrant officer before the war amounted to Rs 220 a month The pay of a Head Assistant was as stated by the Honourable Member

(*c*) Yes

(*d*) Yes, because the Head Assistant does not require to have the same technical knowledge and training as a junior warrant officer

PROMOTIONS IN THE ARMY

34 *Mr Anwar-ul-Azim : Is it a fact that British other ranks rise to commissioned rank at the close of their service, while no clerk in the Ordnance Corps has ever risen to gazetted rank ?

Mr G M Young If the word "may" is inserted between the words "ranks" and "rise", the answer is in the affirmative The matter has been thoroughly investigated on more than one occasion and it has been decided that the work performed by the highest clerical grades in arsenals does not warrant the grant of gazetted rank

RACIAL DISCRIMINATION IN THE ADMISSION OF CYCLES TO ARSENALS.

35 *Mr. Anwar-ul-Azim : Is it a fact that Indian clerks are not permitted to take their cycles into the arsenal, while British non-commissioned officers can take their motor bicycles inside ?

Mr G M Young : I am sending the Honourable Member a copy of a letter No 68-Y, dated the 1st May, 1930, which I sent to Sardar Kartar Singh in continuation of an answer given on the 17th February, 1930, to his question No 161, dealing with the same subject A copy of the letter is also in the Library

PROMOTION OF INDIANS IN ARSENALS

36 *Mr Anwar-ul-Azim : (*a*) Is the Establishment Officer in an arsenal promoted from the ranks ?

(*b*) Is it a fact that Indian clerks, whatever their service and qualifications, are not raised to an officer's rank, as in other Departments ? If so, why ?

Mr G M Young : (*a*) Yes

(*b*) Yes, Sir, for the reasons given in my reply to question No 34

PROMOTION OF INDIANS IN ARSENALS

37. *Mr Anwar-ul-Azim : (*a*) Are British warrant officers being tried as Chief Clerks in arsenals ? If so, is it intended to try Indian Head Assistants as gazetted officers ?

(*b*) Is it contemplated to give gazetted rank to Indian clerks in the near future, or are they to serve on as mere clerks ?

(*c*) Is it a fact that clerks in arsenals are prohibited from seeing any Member of the Legislative Assembly with regard to their grievances ? If so, what are the objections ?

Mr G M Young . (*a*) and (*b*) The answer to the first part of (*a*) is in the affirmative I have already explained why it is not possible to grant gazetted rank to clerks in arsenals

(*c*) No, Sir.

ALLOWANCES OF RAILWAY ACCOUNTANTS

38. ***Mr Muhammad Rafique** : (1) Is it a fact

(*a*) that the accountants borne on the list of Director of Railway Audit get compensatory and house rent allowances when posted to Bombay, Calcutta and Rangoon ,

(*b*) that all such accountants when transferred to the administrative control of the Financial Commissioner of Railways continue to get the said allowances ,

(*c*) that the accountants recruited by the Financial Commissioner of Railways for the accounts side are debarred from this privilege when posted to the towns above mentioned , and

(*d*) that the duties of the three classes of accountants mentioned above are quite similar in nature ?

(2) If the answers to the above be in the affirmative, will Government be pleased to state the reasons for withholding the privileges of compensatory and house rent allowances from the accountants mentioned in class (ç) of part (1) ?

(3) Is it a fact that the accountants recruited by the Financial Commissioner of Railways have memorialised for the grant of compensatory and house rent allowances ? If so, what action has been taken or is proposed to be taken ?

Mr A A L Parsons : 1 (*a*) Yes

(*b*) Yes, when and if posted to these places

(*c*) Yes But accountants taken over from the Great Indian Peninsula and Burma Railways Companies, who retain their old scales of pay continue to get the allowances they used to get previously

(*d*) This is generally correct

2 " Compensatory and house rent allowances " are not granted in consideration of the nature of duties discharged The accountants' cadres in accounts offices under the Financial Commissioner of Railways are local, and these accountants, unlike those of the Audit Department, are not ordinarily liable to transfers all over India

3 Certain memorials have been received from accountants on one railway and they are under disposal.

PAY OF RAILWAY ACCOUNTANTS.

39 *Mr Muhammad Rafique (1) is it a fact

(a) that the scale of pay of the accountants borne on the list of the Director of Railway Audit is Rs 150—15—270|300—20—550 ,

(b) that all such accountants when transferred to the administrative control of the Financial Commissioner of Railways continue to enjoy the scale mentioned above ,

(c) that the scale of pay of the accountants recruited by the Financial Commissioner of Railways for the accounts side is 150—15—270|290—20—450 ,

(d) that the duties of the three classes of accountants mentioned above are similar in nature ,

(e) that the accountants mentioned in clauses (a) and (b) are so appointed after their passing the subordinate railway accounts service examination held by the Director, Railway Audit, in which the minimum pass percentage is 40 in individual papers and 50 in the aggregate , and

(f) that the accountants mentioned in clause (c) are so posted after their passing the subordinate railway accounts service examination held by the Financial Commissioner of Railways, in which the minimum pass percentage is 50 in the ordinary papers and 66 in the special papers ?

(2) If the answers to the above be in affirmative, will Government be pleased to state the reasons for reducing the scale of pay of the accountants mentioned in clause (c), in spite of the fact that their duties are similar to those of the accountants mentioned in clauses (a) and (b), and that they are required to pass a stiffer examination ?

Mr A A L Parsons : 1 (a) Yes

(b) Yes

(c) Yes.

(d) This is generally correct

(e) and (f) Yes

2 The Honourable Member is referred to my reply to starred question No 530 put on the 12th March, 1930, by the Honourable Maulvi Muhammad Yakub

ACCOUNTANTS UNDER THE FINANCIAL COMMISSIONER OF RAILWAYS

40 **Mr Muhammad Rafique** : Will Government be pleased to state by communities the total number of accountants, grades I and II, separately, under the administrative control of the Financial Commissioner, Railways ?

Mr A A. L Parsons .

	Grade I	*Grade II*
Hindus	55	88
Muslims	2	8
Others	10	10
	67	106

NON-EMPLOYMENT OF MUHAMMADANS IN THE IMPERIAL LIBRARY, CALCUTTA

41 ***Mr Muhammad Rafique** : (*a*) Will Government be pleased to state the total number of clerks and sorters employed in the Imperial Library, Calcutta, year by year, since 1926 to date, according to the various communities ?

(*b*) Is it a fact that one Maulvi Ihsan Ali of the Imperial Library, Calcutta, was invalided in 1927, and if so, is it a fact that the vacancy thus caused was not filled up by a Muhammadan ?

(*c*) If the answer to part (*b*) be in the affirmative, will Government please state the reasons therefor ?

Sir Frank Noyce :

	Clerks		*Sorters*	
	Hindu	Muslim	Hindu	Muslim
1926	13	2	11	1
1927	13	2	11	1
1928	14	1	11	1
1929	14	1	11	1
1930	13	2	11	1

(*b*) The answer to both questions is in the affirmative A non-Muslim who was officiating in a leave vacancy was appointed

NON-EMPLOYMENT OF MUHAMMADANS IN THE IMPERIAL LIBRARY, CALCUTTA

42 ***Mr Muhammad Rafique** : Is it a fact that Babus U C Dey and A K Ghosh were appointed as clerks in 1928 in the Imperial Library contrary to the Home Department Circular No F 176|25-Ests, dated the 5th February, 1926 reserving one-third of the appointments for the minorities ?

Sir Frank Noyce : Mr U C Dey was appointed because he had acted in leave vacancies both before and after the issue of the Circular referred to by the Honourable Member It does not appear that the instructions in that Circular were followed when Mr A K Ghosh was appointed

NON-EMPLOYMENT OF MUHAMMADANS IN THE IMPERIAL LIBRARY, CALCUTTTA

43 ***Mr Muhammad Rafique** : (*a*) Is it a fact that one Babu U C Dey of the Imperial Library, Calcutta, resigned his post in December, 1929 ?

(*b*) Has the post been filled up and, if so, by whom ?

(*c*) Is it a fact that one Mr Wasim Hussain was recommended by the Public Service Commission for appointment as clerk in

the Imperial Library in place of the said Babu U C Dey, and that he has not been appointed by the Library Council in place of the said Babu U C Dey ?

(*d*) If the answers to part (*c*) are in the affirmative, will Government please state the reasons for not appointing a Muhammadan, particularly when he was recommended by the Public Service Commission ?

(*e*) Is the Imperial Library Council competent to set aside the recommendations of the Public Service Commission ?

Sir Frank Noyce : (*a*) He resigned in November 1929

(*b*) The post has not yet been filled

(*c*) Yes

(*d*) The Council of the Library was of opinion that it was necessary to select from a wider field It resolved that the Public Service Commission should be requested to advertise the vacancy, stating that preference would be given to a member of a minority community and that if no suitable candidate was forthcoming it should be asked if it had any objection to the Council itself advertising and filling the vacancy The Council has advertised the vacancy and it will be filled at its next meeting

(*e*) The question does not arise as the Council has acted with the concurrence of the Public Service Commission

NON-EMPLOYMENT OF MUHAMMADANS IN THE IMPERIAL LIBRARY CALCUTTA

44 ***Mr Muhammad Rafique** : (*a*) Is it a fact

(*i*) that Muhammadans are in a hopeless minority in the Imperial Library of Calcutta , and

(*ii*) that no satisfactory effort has been made in the appointments of the past few years to remedy this state of affairs in spite of the Home Department Circular No F 176|25-Ests, dated the 5th February, 1926 ?

(*b*) If the replies to (*i*) and (*ii*) of part (*a*) are in the affirmative, are Government prepared to issue orders reserving all future recruitment for Muhammadans till such time that they are adequately represented on the staff ?

Sir Frank Noyce : (*a*) (*i*) Out of 27 posts of clerks and sorters two are filled permanently and one temporarily by Muslims

(*a*) (*ii*) No

(*b*) Instructions have already been issued that duly qualified members of minority communities, including Muhammadans, should be appointed, when possible, without sacrifice of efficiency, in preference to members of those communities which are already fully represented on the staff

NON-EMPLOYMENT OF MUHAMMADANS IN THE IMPERIAL LIBRARY, CALCUTTA.

45 ***Mr Muhammad Rafique** : (*a*) Is it a fact that four temporary posts of clerks have recently been sanctioned for the Imperial Library ?

(*b*) How many Muhammadans have been taken in these posts ?

(*c*) If sufficient representation has not been given to Muhammadans, will Government please state reasons for their not doing so ?

Sir Frank Noyce : (*a*) Yes

(*b*) The posts have not yet been filled

(*c*) Does not arise

EXCLUSION OF MUHAMMADANS FROM THE COUNCIL OF THE IMPERIAL LIBRARY, CALCUTTA

46. **Mr Muhammad Rafique** : (*a*) Will Government please state by communities the composition of the Council for the Imperial Library of Calcutta which was formed in 1929 ?

(*b*) Is it a fact that Muhammadans have been totally excluded from the Council of the Imperial Library and, if so, will Government please state reasons for doing so ?

(*c*) Will Government please state the special reasons, if any, for giving two seats to the Calcutta University on the Imperial Library Council in preference to other Universities ?

Sir Frank Noyce : (*a*) The Council of the Imperial Library, as at present constituted, consists of six Europeans and two Hindus

(*b*) Muslims are not excluded from the Council, but it has just happened that none of them is a Muslim

(*c*) Two seats on the Council have been allotted to the Calcutta University, owing to the importance of the Library to that University consequent on its location in Calcutta.

APPOINTMENT OF MUHAMMADANS TO THE STAFF OF THE ZOOLOGICAL SURVEY OF INDIA

47 ***Mr Muhammad Rafique** : (*a*) Will Government be pleased to state in a tabular form the total number of the permanent employees, both in the gazetted and the non-gazetted ranks, in the Zoological Survey of India by communities from 1920 to date ?

(*b*) If the number of the Muslims has decreased during these years, will Government state the reasons therefor, and the steps they propose to take in order to remedy this defect in future ?

Mr G S Bajpai : (*a*) A statement is placed on the table

(*b*) The decrease by one in the number of Muslims on the non-gazetted staff during the current year is due to the retirement of a Laboratory Assistant The vacancy was filled by a tanning expert for special work in the taxidermist section He had received special training for the work I may add, however, that Government propose to look into the question of appointments to the gazetted and non-gazetted staff of the Zoological Survey of India

Total number of permanent employees both in the Gazetted and Non-gazetted ranks in the Zoological Survey of India by communities from 1920 to date (8th July 1930)

Year	Gazetted Officers								Non-gazetted Staff							
			Hindus								Hindus					
	Strength	Europeans	—	Depressed class	Muhammadans	Domiciled Europeans and Anglo-Indians	Sikhs	Indian Christians	Strength	Europeans	—	Depressed class	Muhammadans	Domiciled Europeans and Anglo-Indians.	Sikhs	Indian Christians
1920	4	2	2						26		8	9	4	5		
1921	4	2	2						26		8	9	4	5		
1922	4	2	2						27	..	8	10	4	5		
1923	5	2	3						27		8	10	4	5		
1924	6	2	4						27		8	10	4	5		
1925	6	1	4				1		27		8	10	4	5		
1926	6	1	4				1		37		13	12	4	8		
1927	7	1	5				1		37		13	12	4	8		
1928	7	1	5				1		37		13	12	4	8		
1929	7	1	5				1		44		16	14	4	8		2
1930	7	1	5				1		44		19	13	3	7		2

APPOINTMENT OF MUHAMMADANS TO THE STAFF OF THE ZOOLOGICAL SURVEY OF INDIA.

48. *Mr Muhammad Rafique : (*a*) Is it a fact that a temporary vacancy occurred recently in the Zoological Survey of India on account of proceeding on leave out of India of the permanent Superintendent of the Department ?

(*b*) If it is so, will Government be pleased to state why the claims of a Muhammadan, who has been officiating for the last five years, have been ignored and an outsider, non-Muhammadan, has been taken in the vacancy ?

(*c*) Was due publicity given to the said vacancy ? If not, why not ?

(*d*) Are Government prepared to consider the desirability of getting all gazetted or non-gazetted vacancies filled up in future, whether temporary or permanent, through the agency of the Public Service Commission, as is done in other Departments ?

Mr G S Bajpai : (*a*) Yes

(*b*) The claims of the Muhammadan who had been officiating for the last 5 years were not ignored The Muhammadan gentleman in question is still officiating in a vacancy caused by one of the Assistant Superintendents (Hindu) who proceeded on leave in 1929, and will continue to hold this officiating vacancy till September 3, 1930, as the temporary vacancy caused by the permanent Superintendent proceeding on leave had, in view of the recent discovery of a very profitable shell-fishery in the Andaman and Nicobar Islands, to be filled by a Zoologist thoroughly acquainted with the marine fauna The Muhammadan officer's original officiating appointment was *vice* the Director, Zoological Survey of India, who proceeded on leave on the 23rd March, 1929 The term of this appointment would have expired on the 11th January, 1930, but in order to give him more time to complete his studies on the Fleas, he was transferred to officiate for one of the Hindu Assistant Superintendents

(*c*) No The vacancy was temporary and the Director, Zoological Survey of India, who is in touch with all prominent Zoologists in India, selected the best qualified man The officer selected by him was a Lecturer in Zoology in the Royal Institute of Science, Bombay, and a Ph.D of Cambridge and has had six years practical experience of marine biological work in India as well as Europe

(*d*) Permanent vacancies in the gazetted staff are filled on the advice of the Public Service Commission Temporary vacancies in the gazetted staff and all non-gazetted vacancies are filled by the Director, Zoological Survey of India I have already informed the Honourable Member that Government propose to examine the question how far it is feasible to secure the adequate representation of the minority communities in the Zoological Survey of India The results of this examination cannot be anticipated

APPOINTMENT OF MUHAMMADANS TO THE STAFF OF THE ZOOLOGICAL SURVEY OF INDIA

49 *Mr Muhammad Rafique : (a) Is it a fact that the only Muslim gazetted officer who has been working in the Zoological Survey of India since October, 1925, in a series of temporary and officiating vacancies has been refused the next officiating chance ?

(b) In case the answer to part (a) be in the affirmative, will Government be pleased to state the reasons for getting rid of the only Muhammadan officer on the staff ?

(c) Is it a fact that the work of the Muhammadan officer has been appreciated many a time by the permanent Director, but that when there is a prospect of a permanent vacancy in the near future, he has been turned out of the Department ?

Mr G S Bajpai : (a) and (b) I would refer the Honourable Member to the answer given by me to parts (a) and (b) of his immediately preceding question

(c) The work of this officer on Ticks and Fleas has been satisfactory I have already explained to the Honourable Member that this officer is still in Government employ If a permanent vacancy occurs in the Zoological Survey of India his claims will undoubtedly be considered in filling it

APPOINTMENT OF MUHAMMADANS TO THE STAFF OF THE ZOOLOGICAL SURVEY OF INDIA

50 *Mr Muhammad Rafique : (a) Is it a fact that seven new non-gazetted posts were added to the staff of the Zoological Survey of India in April, 1929 ?

(b) Were any Muhammadans taken in these posts ? If not, why not ?

(c) How many Muhammadans did actually apply for these posts and what were their qualifications ?

(d) What are the qualifications possessed by the men actually appointed ?

(e) In case the qualifications of any of the men appointed to the said posts be inferior or equal to those of the Muhammadan applicants, will Government be pleased to state the reasons for preferring non-Muhammadans over Muhammadans ?

Mr. G S. Bajpai : (a) Yes

(b) No No suitable Muhammadan candidates applied

(c) and (d) Thirteen A statement showing the qualifications of these thirteen Muslim candidates as well as of those appointed is placed on the table A comparison of the qualifications of those appointed with the qualifications of the Muslim applicants will show that the selected candidates had the higher technical qualifications

(e) Honourable Member would observe from the statement I am laying on the table that the selected candidates were superior to those rejected

List of Muhammadan applicants with their qualifications for the seven vacancies occurred in 1929

For the posts of Laboratory Assistants

1 *Mr Badruddin Hasan Zuberi*.—"Passed the High School examination in 1924, the Intermediate examination in 1926 and the B Sc examination in 1928 with Chemistry, Botany and Zoology as my subjects from the Aligarh University each in the first division, standing second in order of merit in the High School examination and first in the Intermediate and B Sc examinations"

2 *Asadulla Khan*.—"I am a youngman of 23 with active habits and hard working I appeared in the B Sc examination of the Muslim University held in the month of April, with Zoology as one of my subjects I am sure to get through"

3 *Muzaffaruddin Taha*.—"I passed the Matriculation examination of the Calcutta University in the first division and studied up to 2nd year into Intermediate of Science (I Sc) class in the Presidency College"

4 *Ashiq Ali Qurashy*.—"I appeared in the B Sc examination of the Aligarh Muslim University held in April 1929 I hope to get through My optional subjects in the B Sc were Zoology, Botany and Chemistry"

5 *Abdul Hamid Khan*.—"I am working in the Department of Zoology, Muslim University, Aligarh, as Laboratory Assistant since 1911 I am well versed in the art of Taxidermy, preparation of skeletons, mounting and preservation of specimens"

6 *Abdur Rahman*.—"I passed the B Sc examination with Chemistry, Physics and Mathematics in the year 1928 from the Calcutta University"

7 *Jamil Ahmed*.—"I passed the B Sc examination taking Zoology, Botany and Chemistry, in the 2nd division from the Muslim University, Aligarh in 1924 At present studying M A and Law in this University"

8 *Syed Mushtaq Ali*.—"I passed my Matriculation examination in 1922 in second division I passed my Intermediate Science examination in second division in 1924 getting a distinction in Zoology for which I was awarded a gold medal by the Vice Chancellor of the University (Aligarh Muslim University) I passed my B Sc degree examination and was placed in the second division with asterisk topping the list of successful examinees I worked for some months in the Government Agricultural College under the Entomologist I also worked as Demonstrator in the Department of Zoology, Muslim University, Aligarh"

9 *Mohd Ataullah Fazli*.—"I have appeared in the B Sc examination with Zoology, Botany and Chemistry as my subjects I hope that I will get through as I have some papers quite satisfactory"

For the posts of Gallery Assistants.

10 *Nadir Hossain Sircar*.—"I completed the course of the B Sc examination with Physics, Chemistry, and Mathematics I have got office experience having served as a clerk of the District Inspector of Schools, Murshidabad I have got a fair knowledge in Persian I possess a good physic and "cycle expart", play football and other indigenous and foreign games"

11 *Shaikh Abdul Halim*.—"I read up to the Matric standard and have for some time worked as an engraver in Ammunition Factory at Dum Dum and also worked for some time as a draftsman as well as clerk to some pleaders"

12 *Kazi Golom Nabi*.—"I have read up to the Matriculation standard of the Calcutta University, and have fair knowledge in English and Urdu"

13 *M Abdul Faiz*.—"I have picked up a fairly good knowledge of English and Urdu Since my early years I have been to the Museum times without number and it has been my habit to take a keen interest in all sorts of things Besides I have always taken part in sports and I am a young boy of active habits"

Qualifications of the selected candidates for the seven vacancies occurred in 1929.

FOR THE POSTS OF LABORATORY ASSISTANTS

1 *J. L. Bhaduri.*—"I passed the Matriculation and Intermediate Science examinations of the Calcutta University in the first division in the years 1920 and 1922 respectively I obtained the B Sc degree in 1924 and occupied the first place in the first class honours in Zoology The post-graduate Jubilee scholarship, tenable for two years, was accordingly awarded to me In my M Sc examination in Zoology, held in the year 1926, I topped the list of successful candidates, and was placed first in the second class, no one securing first class that year Since then I have been engaged as a Teaching Assistant in the Zoology Department of the Calcutta University, and I am at present drawing a monthly salary of Rs 140 One of my duties is that of demonstration work both in the Undergraduate and Postgraduate Practical classes Since my appointment in the University I have been carrying on research work Titles of papers already published and in the course of preparation are attached Besides anatomical work I have been studying the systematic Anuran fauna of Bengal in the Indian Museum I am thoroughly conversant with the theory and practice of Zoological technique in all its branches, including microtome work, staining, slide preparation, etc"

Hindu M Sc of the Calcutta University Possess considerable experience in Zoological technique and already published some papers on the results of his original research in Zoology

2. *M. N. Datta*—"I am a research scholar in the Zoology Department of the Allahabad University and got the Empress Victoria Readership of Rs 100 per month for 3 years During this time I have written two research papers, (i) 'On *Echinorhynchus robustus* (n sp) from common crows of Allahabad', (ii) 'On a new species of Acanthocephala from a common fish *Mastonis gulio* of Calcutta' At present I am engaged in research work on the intestinal parasites of birds and fishes for the series of papers on 'New series' of Acanthocephalen parasites of North India I have got thorough knowledge of Zoological technique including Microphotography, Microtomy, preparation of microscopical slides, preserving and mounting zoological specimens I have passed the M Sc examination of the Allahabad University from the Agra College in the 1924 in the II division and stood second in order of merit in the University I have passed the B Sc examination of this University with Zoology, Botany and Chemistry as compulsory subjects and stood 1st, 2nd and 3rd in order of merit in the University practical examinations in these subjects respectively I have won many prizes in the open competitions of the Agra Scientific Association for the preparation of microscopical slides of Botanical and Zoological specimens I served as a Demonstrator in Biology in the Agra College for 3 years (1921 1924) and after taking the M Sc degree I served as a Senior Demonstrator on Zoology in the St John's College, Agra"

Hindu M Sc of the Allahabad University Fully qualified and experienced in zoological technique Already published some papers on the results of his original research

3. *K. N. Das*—"I passed the Matriculation and I Sc examinations of the Calcutta University in the first division in the years 1921 and 1923 respectively I obtained second class honours in Zoology in my B Sc. examination held in 1925 standing second in order of merit I passed the M Sc examination in Zoology in 1927 and occupied the first position in the first Division I was awarded the University prize and two gold medals, the University and Brahmamohan Mullick, the latter for standing first in the whole thesis group of the University. Since the publication of the results of the University M.Sc. examination I have been carrying on research work on Protozoology and was granted the University Research Scholarship for the session 1928 29 I possess a thorough knowledge of the microtome technique, slide preparations and all other laboratory work."

Hindu (Depressed Class) M Sc of the Calcutta University Thoroughly experienced and competent in all branches of zoological technique

4 *J C Fernandez*—" I am at present Senior Taxidermist in the Govt Museum, Madras, and have put in a service of about 19 years here " By the Director of the Swiss Zoological Expedition to South India he was recommended as follows —" He combines great ability in the Zoological Field work with vivid personal interest and he proves an independent, resourceful and indefatigable worker Last but not least we are glad to mention he is a good character and thoroughly trustworthy person We are very obliged to the Government Museum in Madras to have allowed Mr Fernandez to join our Expedition "

Indian Christian. Highly qualified in the art of Taxidermy, Animal Anatomy, Modelling, Preserving zoological specimens and painting them in natural colour

FOR THE POSTS OF GALLERY ASSISTANTS

5 *M. N Acharjie*—" I took my B Sc degree from the University College of Science, Calcutta, in 1926 having Zoology as one of my subjects, and in 1928 I passed M Sc examination of the same University in Anthropology and was placed in the second class "

M Sc of the Calcutta University *Hindu.* In addition to qualifications in Zoology has a sound training in Anthropology as well

6 *J V Majumdar*—" I am serving as a Laboratory Assistant for the last two years under the Indian Research Fund Association in the Protozoology Department at the Calcutta School of Tropical Medicine " Lt Col R Knowles, I M S, of the Protozoology Department of the Calcutta School of Tropical Medicine recommended Babu J N Majumdar as " has done very good work in this Department during the last two years"

Hindu The candidate was selected for special practical experience in Protozoology

7 *G. Matthai*—" I am an Indian Christian I passed the School Leaving Certificate Examination of the Madras University in the year 1927 As for any training in Zoology, I beg to submit, that in the curriculum of studies prescribed for the English School Leaving Certificate, students are required to have a general knowledge of zoology, geology and botany, which came under the section ' Natural Study ' and as such I had to study these subjects for three years, and for which I had special taste I might add in this connection, that in the Asiatic Society of Bengal, where I am working at present, has a miniature museum where I have had occasion to notice the curious articles, zoological and anthropological specimens at the Society s monthly and annual meetings whereby I have gained sufficient knowledge to arrange and exhibit things in a Gallery "

Indian Christian Possesses an excellent preliminary training in zoology and anthropology

APPOINTMENT OF MUHAMMADANS TO THE STAFF OF THE ZOOLOGICAL SURVEY OF INDIA

51 ***Mr. Muhammad Rafique** : (*a*) Will Government kindly state the number of the menial employees employed in the Zoological Survey of India by communities ?

(*b*) In case the Muhammadans are inadequately represented on the staff, are Government prepared to take necessary steps to stop the recruitment of members of the non-Muhammadan communities until such time the Muhammadans get the due share ?

Mr G. S Bajpai : (*a*) A statement giving the information required is laid on the table

(*b*) Government will examine the question as to what steps can be taken to give adequate representation to minority communities on the menial staff of the Zoological Survey of India

Statement showing the total number of Menials employed in the Zoological Survey of India, by communities

Year.	Strength	Europeans	Hindus		Muhammadans	Domiciled Europeans and Anglo Indians	Sikhs	Indian Christians
			—	Depressed class				
1930	40		6	31	3			..

APPOINTMENT OF MUHAMMADANS TO THE STAFF OF THE ZOOLOGICAL SURVEY OF INDIA

52 *Mr Muhammad Rafique : (a) Will Government be pleased to state how many officiating and permanent vacancies, both in the gazetted and the non-gazetted ranks, have occurred in the Zoological Survey of India since January, 1930, and how they have been filled up ?

(b) Were these posts advertised ? If not, why not ?

(c) Were any Muhammadans taken in these posts ? If not, why not ?

Mr G. S Bajpai : (a) *Permanent vacancies*—

Gazetted appointments —Nil

Non gazetted appointments —1 , a Hindu was appointed

Officiating vacancies—

Gazetted appointments —1 , a Parsee was appointed

Non-gazetted appointments —12 , of these 3 were not filled up. 7 were filled by temporary promotion within the department, 2 were filled up by outsiders Both were Hindus with special qualifications

(b) The posts were not advertised as advertising would have meant delay

(c) No Muhammadans were taken as none possessing suitable qualifications was known to the Director, Zoological Survey of India I have already informed the Honourable Member that the question will be looked into

APPOINTMENT OF MUHAMMADANS TO THE STAFF OF THE ZOOLOGICAL SURVEY OF INDIA

53 *Mr. Muhammad Rafique (a) Will Government be pleased to state the number of vacancies, both in the gazetted and the non-gazetted ranks, that were filled up during the periods when the Hindu permanent Superintendent of the Zoological Survey of India officiated as its Director ?

(b) Were any posts given to Muhammadans ? If so, will Government please state the number and the names of persons holding the posts ?

(c) In case no vacancies were filled up by the appointment of Muhammadans, or they were taken in an inadequate number, do Government propose to make inquiries about the responsibility of the said officer for the cause ?

(d) Is it a fact that, since the appointment of the said officer in 1920, not a single Muhammadan has been permanently taken both in the gazetted and the non-gazetted ranks ?

(e) If the answers to parts (c) and (d) be in the affirmative, are Government prepared to consider the advisability of appointing a non-Hindu to the post of the Director when the next opportunity arises ?

Mr. G. S Bajpai : (a) A statement giving the information required is placed on the table

(*b*) One temporary gazetted appointment was filled by a Muhammadan, Mr Mohammad Sharif.

(*c*) Non-gazetted permanent appointments were filled after advertisements and full consideration of the qualifications of applicants Officiating vacancies were filled by the officiating Director with the most suitable persons known to him

(*d*) Yes This, however, is merely a coincidence and has nothing to do with the appointment of the permanent Hindu Superintendent to the Zoological Survey of India in 1920

(*e*) Honourable Member may rest assured that in making appointments to the headship of a department Government will pay due regard to the importance of securing an officer who counts impartiality among his qualifications

Vacancies in the Gazetted and Non gazetted ranks of the Zoological Survey of India that were filled up during the periods when Hindu Superintendent officiated as Director

From 15th May 1924 to 26th July, 1925

Gazetted				Non gazetted			
Permanent		Temporary		Permanent		Temporary	
Vacancy	How filled up	Vacancy	How filled up	Vacancy	How filled up	Vacancy	How filled up.
1	1 (Sikh) appointed by the Government of India	1	Not filled up			28	13 (outsiders) Hindus 5 temporary promotion within the Department 10 not filled.

From 1st July, 1927 to 29th September, 1927

Gazetted.				Non-gazetted			
Permanent.		Temporary		Permanent		Temporary.	
Vacancy	How filled up	Vacancy	How filled up	Vacancy	How filled up	Vacancy.	How filled up.
..	.	..		..	.	4	1 (outsider) Hindu. 1 temporary promotion within the Department. 2 not filled up.

From 23rd March, 1929 to 12th January, 1930

Gazetted.				Non-gazetted			
Permanent.		Temporary.		Permanent		Temporary	
Vacancy	How filled up.	Vacancy	How filled up	Vacancy	How filled up	Vacancy	How filled up
.		1	1 Muhammadan (outsider)	9	6 Hindus 2 Indian Christians 1 Depressed Class (Hindu)	19	8 Hindus 7 temporary promotion within the Department 4 not filled up

FATE OF SADHU SUNDAR SINGH

54 ***The Revd. J. C Chatterjee** : (*a*) Are Government aware that Sadhu Sundar Singh, a Christian Missionary well known and respected in India as well as in Europe, left on a missionary tour for Tibet over a year ago and has not been heard of since that time ?

(*b*) Are Government aware that the complete absence of news from Sadhu Sundar Singh himself and the various rumours regarding his fate have been causing deep anxiety to his co-religionists and admirers, and are Government prepared to make inquiries regarding his safety, from the Tibetan Government, or through their own frontier officials ?

Mr E B Howell : With your permission, Sir, I will answer both questions together Inquiries were made last year by a Government officer who visited Tibet on duty but there was no trace of Sadhu Sundar Singh nor is there any proof that he ever entered Tibet

Inquiries are however being made again this year and any information obtained will be communicated to the Honourable Member in due course

The Revd J. C Chatterjee Are Government aware that Sadhu Sundar Singh, before he started, definitely said that he was going into Tibet for a year's tour ?

Mr E B Howell : I was not previously aware of that fact, Sir.

APPOINTMENT OF INDIANS AS GOODS INSPECTORS ON THE EAST INDIAN RAILWAY.

55 ***Dr. Ziauddin Ahmad** : (*a*) Will Government please state what is the number of Goods Inspectors in the East Indian Railway and how many of them are Indians ?

(*b*) If there is not a single Indian, what are the reasons for it ?

Mr A A L Parsons : (*a*) There are four Goods Inspectors on the East Indian Railway. Two of them are statutory Indians.

(*b*) The posts are generally filled by seniority, and three of the men are the most senior subordinates in the Commercial Department of the East Indian Railway The fourth appointment is graded much lower than the other three, and is held by a man who was selected because he was considered specially suitable for the post

APPOINTMENT OF INDIANS AS STATION MASTERS OF FIRST CLASS STATIONS ON THE EAST INDIAN RAILWAY.

56 ***Dr. Ziauddin Ahmad** : (*a*) Will Government please state if Indians are eligible for appointment as station masters on first class railway stations on the East Indian Railway ?

(*b*) Was any experiment tried ?

Mr A A L Parsons : (*a*) Yes

(*b*) It is not a question for an experiment

MINIMUM EDUCATIONAL QUALIFICATIONS REQUIRED FOR RAILWAY SERVICES.

57 ***Dr. Ziauddin Ahmad** : (*a*) Will Government please state what is the minimum educational qualification for appointment in the railway services ?

(*b*) Who are exempted from this qualification ?

Mr A A L Parsons : (*a*) The minimum qualifications for appointments in the Superior Services are laid down in the Regulations for Recruitment, copies of which are in the Library I shall be very pleased to send them to the Honourable Member if he would like to have them. The minimum qualifications for posts in the subordinate and inferior services are prescribed generally by Agents of the railways and vary for posts of different character

(*b*) Where a minimum qualification is prescribed it applies to all candidates

RECRUITMENT OF " A " GRADE GUARDS ON THE EAST INDIAN RAILWAY

58. ***Dr. Ziauddin Ahmad** : (*a*) Will Government please state if the guards in the " A " grade of the East Indian Railway are recruited direct or are promoted from those in " B " grade ?

(*b*) What are the qualifications for direct appointment in " A " grade ?

(*c*) What is the total number of guards in " B " grade and how many of them are non-Indians ?

Mr. A A L Parsons . (*a*) Guards' posts of " A " Grade, *i.e.*, Grade I, are filled by promotion from lower grades of Guard, from other classes of staff and by direct recruitment

(*b*) The main qualifications required of a candidate for direct appointment in Grade I as prescribed by the East Indian Railway are as follows

(*i*) He must be of good physique and eye-sight, well set up, and of smart appearance

(*ii*) He must be able to understand and express himself easily and clearly in English and be able to write English with reasonable correctness and speed

(*iii*) He must possess mental alertness, powers of observation and a good memory

(*iv*) He must be tactful and of good address and have decision of character

(*v*) He must possess the power of controlling staff working under him

(*c*) I have called for the information and will communicate with the Honourable Member on its receipt

TERMS OF EMPLOYMENT OF CREWMEN

59. ***Dr. Ziauddin Ahmad** : (*a*) Will Government please state if it is a fact that

(*a*) Crewmen are allowed sick leave without pay only ,

(*b*) Crewmen are given one day off after working for 13 days ,

(*c*) Crewmen are not given the benefit of the Provident Fund ?

Mr. A. A. L Parsons : I presume the Honourable Member refers to the crewmen on the East Indian Railway The replies to the questions are

(*a*) No Temporary crewmen appointed prior to 1st September, 1928, are granted leave in accordance with Supplementary Rule 285 Those appointed on or after 1st September, 1928, are granted leave in accordance with Annexure II of the new Leave Rules promulgated with Railway Board's Resolution No 8373-E , dated the 20th February, 1930

(*b*) They are given 24 hours rest after 56 hours of work

(*c*) Yes, as temporary employees are not allowed to subscribe to the Provident Fund

AMALGAMATION OF STATE-OWNED RAILWAYS.

60 ***Dr. Ziauddin Ahmad** : (*a*) Will Government be pleased to state the reasons for building a number of railway stations and two Jumna bridges in close proximity in Agra ? Is it not due to the competition of three different lines running into Agra ?

(*b*) How much money do Government spend every year in adjusting the accounts of various railways owned by the Government ?

(*c*) Have Government considered the desirability of amalgamating the State-owned railways into one common concern ?

Mr A. A. L. Parsons : (*a*) The construction of the second bridge was necessitated by the Secretary of State's decision that the East Indian Railway should be allowed direct access to the business quarter of Agra and to the Agra-Delhi Chord line The crossing of the river by a new route some distance away from the former bridge entailed the provision of additional stations

Competitive considerations influenced, to a certain extent, the decision to construct the new bridge

(*b*) I am afraid the information is not procurable

(*c*) Government do not consider the amalgamation desirable

PRINCIPLE ADOPTED IN FIXING THIRD CLASS RAILWAY FARES

61 ***Dr Ziauddin Ahmad** (*a*) Are Government aware of the theory of railway economists that for the prosperity of a business it is best to look for small profit per unit repeated several times on a large volume of business than to a large profit for unit on a small volume of business ?

(*b*) Have Government followed this principle in fixing the third class railway fares ?

(*c*) Will Government be pleased to give reasons, supported by statistics, for fixing railway fares on distance scale ?

Mr. A A L Parsons : (*a*) and (*b*) Government are aware of the theory that, subject to certain very necessary limitations, railway revenues are more likely to be enhanced by low than by high rates Subject to the limitations referred to, this principle is followed in fixing third class fares

(*c*) It is believed that the incidence of railway rates for fares operates more against the development of long than of short distance traffic and Indian Railways, therefore, generally concede a lower basis of charge for passengers carried for long distances Statistics of the number and earnings of passengers carried for varying distances have not been maintained by Railways for a sufficient number of years to enable conclusions to be arrived at as to the effect of the latest reductions in rates for long distances

OCCUPATION BY MEMBERS, WHEN THE LEGISLATURE IS NOT SITTING, OF HOUSES PROVIDED FOR THEM IN SIMLA

62 ***Dr Ziauddin Ahmad** : (*a*) Will Government be pleased to mention the number of houses built or purchased by them for the use of the Members of the Legislative Assembly and the Council of State at Simla ?

(*b*) Are the Members of the Legislative Assembly debarred from living in these houses at a time when the Legislative Assembly is not sitting, even if the houses are unoccupied and the Members are willing to pay full economic rent of the house ?

(*c*) If so, who has made this rule ?

(*d*) Was this rule made in the interest of the hotel proprietors of Simla ? If so, why ?

(*e*) Are Government prepared to consider the question of changing the existing rule and make the houses available for the use of the Members of the Legislative Assembly if they happened to be vacant at a time when the Legislative Assembly is not in session ?

The Honourable Sir Joseph Bhore : (*a*) 57 quarters have been built or set aside for the use of the Members of the Indian Legislature at Simla during the Session periods. *viz.*, 20 quarters at Cart Road and 37 at Longwood

(*b*) Not at Longwood, if they are willing to pay rent for the whole season. But Members are only permitted to occupy quarters at either place on payment of rent for the period of occupation if they are in Simla on duty

(*c*) and (*d*) Prior to 1924 the Public Works Department attempted to obtain tenants for such quarters as remained empty, but this practice was discontinued as Government felt that it interfered unnecessarily with private enterprise

(*e*) The question of changing the existing rules is under consideration

SUBSCRIPTIONS COLLECTED THROUGH SALARY BILLS FROM RAILWAY EMPLOYEES

63 ***Lieut.-Colonel H A J Gidney**: (1) Is it a fact that on various railways the following subscriptions, among others, are collected by the Railway Audit Department through the salary bills of railway employees

(*a*) Mutual Benefit Fund,

(*b*) Store's Bill (where stores exist),

(*c*) Institute Bills (where Institutes exist),

(*d*) Credit and Loan Society refunds,

(*e*) Medical Officer's fees,

(*f*) Court attachments on salaries, and

(*g*) Cost of social functions, *e g*, Christmas trees, St Dunstans subscriptions, etc ?

(2) Is it a fact that the Railway Board have definitely refused to consent to the collection of Railway Union subscriptions *via* the salary bills of employees ?

(3) If the answer to part (2) be in the affirmative, will Government reconcile their refusal in the one case and their acceptance, as a general and recognised measure, in the case of other deductions as enumerated in part (1) ?

Mr A A L Parsons: (1) Yes

(2) Yes

(3) As a railway union is an organisation independent of the railway, Government consider that it should make its own arrangements for the collection of subscriptions from its members

RESTORATION OF STIPENDS OF MEMBERS OF THE CARNATIC FAMILY.

64 ***Maulvi Mohammad Shafee Daoodi**: (*a*) Will Government be pleased to state whether they have given effect to the resolution passed in this Assembly in January last recommending that the stipends of the members of the Carnatic Family who took part in the Khilafat Movement be restored to them with retrospective effect ?

(*b*) If no effect has yet been given in spite of the Government accepting it on the floor of the House, will Government kindly state the reasons for it ?

Mr. E. B. Howell: (*a*) No

(*b*) The matter has been under correspondence with the Madras Government, which is not yet concluded

Maulvi Sayyid Murtuza Saheb Bahadur : May I ask why, when a period of six months has rolled on, no reply has yet been received from the Government of Madras ?

Mr. E B. Howell : I did not say that the Government of Madras had not replied , I said that the correspondence was not yet concluded.

Mr. M K Acharya : Is there any chance of the matter concluding at an early date ?

Mr E B Howell : I hope so, Sir

Maulvi Mohammad Shafee Daoodi : I believe, Sir, it is a Central subject Why then should the Government of Madras be consulted before a decision is given effect to ?

(No reply was given)

Maulvi Mohammad Shafee Daoodi : Sir, no answer is given to my question, which is a very relevant question, I think

Mr E B Howell : I think, Sir, in a matter of this importance it is obviously necessary to consult the Local Government before a final order can be given by the Government of India

Mr S. C Mitra : Is it not a fact that when the Government of India accepted the responsibility of granting these allowances, they said they would give very sympathetic consideration to the subject ?

Mr. E B Howell : They are doing so

PERCENTAGE OF BURMANS IN THE IRRIGATION DEPARTMENT.

65 ***U Dwe** Will Government be pleased to state the number of officers of the Indian Service of Engineers serving in the Irrigation Department, in various provinces in India including Burma, and specify the number of Burmans therein and their percentage to other nationalities ?

The Honourable Sir Joseph Bhore : The information asked for by the Honourable Member is being collected and will be supplied to him separately

PERCENTAGE OF BURMANS IN CERTAIN DEPARTMENTS IN BURMA

66 ***U. Dwe** Will Government be pleased to state the number of officers serving in the following Departments in Burma and specify the number of Burmans, (*a*) in the superior services, (*b*) in the subordinate services, and (*c*) the percentage of Burmans to other nationalities :

(1) Customs Department
(2) Burma Railways
(3) Audit and Accounts Department.
(4) Posts and Telegraphs
(5) Income-tax Department ?

The Honourable Sir George Schuster : The information asked for by the Honourable Member is being collected and will be furnished to him as soon as possible

DISBANDED BURMESE REGIMENTS.

67 *U. Dwe : Do Government contemplate to re-mobilise the disbanded Burmese regiments ? Are Government aware of the strong desire expressed in Burma on that behalf ?

Mr. G. M. Young : Since the strength of the post-war army was fixed, only one Burmese unit, namely, a Sapper and Miner Company has been disbanded The reduction was due to the return of a Company from overseas, as the result of which the sanctioned strength of the army was exceeded by one Sapper and Miner Company The unit would be surplus to our actual requirements, and it would not therefore be justifiable to incur the expense of re-creating it

HARDSHIPS OF BURMAN CANDIDATES FOR TRAINING ON THE " DUFFERIN ".

68 *U Dwe Are Government aware of the hardships caused to Burman candidates wishing to obtain entrance as pupils into the Training Ship " Dufferin " by holding the Selection Board Examinations at Bombay ? If so, do Government propose to make arrangements for conducting the selection of Burman candidates at Rangoon ?

The Honourable Sir George Rainy : Government have not received any representation on the subject and they are doubtful whether it would be possible to make arrangements for the selection of candidates from Burma at Rangoon They will, however, obtain the opinion of the Governing Body of the Training Ship " Dufferin " by whom candidates for admission to the Training Ship are selected at present on a consideration of the results of the entrance examination and of personal interviews

RAILWAY CONNECTION BETWEEN BURMA AND SIAM

69 *U Dwe Will Government be pleased to state when they intend constructing the railway connection between Burma and Siam ?

Mr. A A. L Parsons : The possibility of constructing a railway connection between Burma and Siam is remote Investigations have shown that the cost of such a connection would be high, and no adequate return on the capital involved could be obtained

TENURE OF OFFICE OF MEMBERS OF PROVINCIAL GOVERNMENTS.

70. *U. Dwe Will Government be pleased to state what the tenure of office of Executive Members of Provincial Governments under the Government of India Act is, and to state the authority for this ?

The Honourable Mr. H. G. Haig : Members of a Governor's Executive Council are appointed by His Majesty by Warrant under the Royal Sign Manual There is no statutory provision limiting the term of office of a Member of a Governor's Executive Council, but it is an accepted principle that the tenure is limited ordinarily to five years unless it is expressly renewed or continued by His Majesty or by the Secretary of State for India.

EMPLOYMENT OF BURMANS ON THE PUBLIC SERVICE COMMISSION

71. ***U Dwe** : (*a*) Will Government be pleased to state how many Burmans there are on the Public Services Commission ? If the answer is in the negative, will Government kindly state what attempts have been made to secure the services of Burmans, and if such attempts have been made, why no Burmans have so far been secured as members of the Commission ?

(*b*) Will Government be pleased to state if they intend to constitute a separate Public Services Commission for Burma ? If so, when , if not, why not ?

The Honourable Mr H. G Haig : (*a*) There is no Burman on the Public Service Commission It is not possible to provide for representation of provinces on the Commission

(*b*) Under the Classification Rules which have recently been published it is now open to the Local Legislature of any Governor's province to make laws for the establishment of a commission to regulate the public services of the province

APPOINTMENT OF MUHAMMADANS AS SUPERINTENDENTS OF POST OFFICES IN MADRAS

72 ***Mr Abdul Latif Saheb Farookhi** (*a*) Will Government be pleased to state when the last nominations of departmental candidates for the examination for the post of Superintendent of Post Offices were made from the Madras Presidency ? What was the total number of these nominations, and how many were Muhammadans among the candidates so nominated ?

(*b*) Will Government be pleased to state whether nominations of departmental candidates for the above examination were made this year ? If so, how many were selected to sit for the examination from the Madras Presidency, and how many were Muhammadans among the candidates so selected ?

(*c*) Will Government please state how many Muhammadan candidates were recommended this year for nomination by the Presidency Post Master, Madras, and by the Divisional Superintedents ? How many of them were selected ? If none, why ?

(*d*) Are Government aware of a resolution passed by the Madras Presidency Muslim League on the 10th February, 1930, pointing out the inadequate representation of the Muslim community in the higher offices of the Postal Department in the Presidency of Madras, and urging Government to recognise the claims of Muslims in the future nomination of candidates for the examination of Superintendents of Post Offices in the Madras Presidency ?

Mr. H. A. Sams : (*a*) I am obtaining the information and will furnish it to the Honourable Member in due course.

(*b*) Yes. Two of the candidates nominated from the Madras Circle have been selected to appear at the next examination. None of them is a Muhammadan

(*c*) Only two Muhammadan candidates were recommended to t Postmaster-General, Madras, for nomination, one by the Presiden Postmaster, Madras, and the other by a Divisional Superintende They were not, however, nominated by the Postmaster-General becau one of them was over 36 years of age, which was the limit of age pre cribed for these candidates, and had poor educational qualificatio while the other was too junior in service and lacked experience

(*d*) Yes As selection to appear at the Superintendents' examin tion affords an opportunity of accelerated promotion to the staff, t nomination is not effected on a communal basis but on the selection the best

Mr. Abdul Latif Saheb Farookhi May I ask if the Honourab Member will give me the information during the sittings of this A sembly or after it is dissolved ?

Mr H A Sams : Will the Honourable Member kindly repeat h question ?

Mr. Abdul Latif Saheb Farookhi Will the Honourable Membe supply me with the information during the life of this Assembly or aft its dissolution ?

Mr. H A Sams : I hope to be able to give it during the life of th Assembly

†73 *

THE ARMED RAID AT CHITTAGONG

74. ***Rai Bahadur S. C. Dutta** : (*a*) Will Government place befor the Legislative Assembly a statement, describing the armed outbreak a Chittagong, the operations carried on against the insurgents and the result achieved so far, including the casualties on both sides ?

(*b*) What is the Government estimate of the number of insurgent concerned in the entire operations ?

(*c*) How many motor and other conveyances were employed by th insurgents during the course of the operations ? Have Government traced the owners and drivers of these vehicles ? How many of these drivers have been killed and by whom ? Do Government propose to prosecute any of these owners and drivers ?

(*d*) Is it a correct information that numbers of licensed guns were used in the operations ? How many licensed guns were missing and how many have been recovered ? Do Government propose to take any steps against any of these licencees ?

(*e*) How many insurgents have been captured during the course of operations, while fighting or fleeing or concealing with arms and how many have been arrested on suspicion, with or without arms ? Do Government propose to bring any of them to trial ?

(*f*) What was the strength of the armed sentries deputed to guard armouries at the time of the attack ? What steps have Government taken or propose to take to strengthen the forces for protection of such armouries and Government treasuries in future against such attacks ?

†See pages 280—81

(*g*) Apart from the action of the Local Government, what special steps have the Government of India taken in this matter ?

The Honourable Mr. H. G Haig : I regret that the Government of India are not in possession of material from which a complete reply can be given to the Honourable Member's question A number of communiqués were issued by the Government of Bengal shortly after the outbreak which gave the main facts of the case. I add to this the following information. The number of insurgents concerned in the actual outbreak is estimated at about one hundred Sixteen were killed in the operations and four captured of whom two subsequently died One hundred and twelve persons have been arrested on suspicion of having been concerned in the conspiracy, including twenty-nine arrested in the connected case at Feni The number of insurgents, engaged in the actual outbreak who are still at large is believed to be twenty-three The accused in the case will be tried by a tribunal under the Bengal Criminal Law Amendment (Part Continuance) Act, 1930 The trial is fixed to commence on the 16th July.

Further details referred to in the Honourable Member's question will no doubt be dealt with in the final report which the Government of Bengal will submit after the completion of the enquiry they propose to hold I will forward a copy of the Honourable Member's question to the Local Government with reference to that enquiry

The Sholapur Disturbances

75 ***Rai Bahadur S. C Dutta** : (*a*) Will Government inform the House of all the incidents of the Sholapur disturbances, day by day, from the beginning to the assumption of the control of the city by the military authorities ?

(*b*) Was there any order passed under section 144 of the Code of Criminal Procedure at Sholapur, and if so, what were its terms, on what date was it promulgated, by whom was it passed, and what were the reasons—facts and circumstances,—justifying the same ? For what time was it to operate ?

(*c*) Was the order under section 144, effective or was the application of the provisions of Chapter IX further found necessary ?

(*d*) Was any assembly ordered to disperse under the provisions of that chapter ? If so, on how many occasions and with what effect ?

(*e*) Was the crowd in Sholapur fired at in order to disperse them, and on how many occasions ? Who was the officer in each case that ordered the assembly to disperse, and for what reasons and under what circumstances ? What was the time given to disperse, and what was the number of the crowd in each case, after what interval ? In each case, of order to disperse, was actual force used, and if so, what was the nature of the force used in the first instance ? Was firing resorted to in the first instance, if so, under what justification, and under what authority ?

(*f*) Was the force that was used under section 128 (civil force) or under section 129 (military force) ? Was the firing also part of civil force ? Was there, among the party that actually fired, any officer or soldier in His Majesty's army or a volunteer enrolled under the

Volunteers Act ? What was the actual status of the different sections of the parties that actually fired ?

(*g*) Who was the officer in each case that ordered the firing ? Was any fresh warning given before fire was opened ? Was the crowd informed that they will be fired at unless they dispersed ? Were they informed of any time limit within which they were to disperse on pain of being fired at ? If so what was the time limit and the size of the crowd in each case ?

(*h*) Was not quiet restored in the city before control was made over to the military ?

(*i*) Who was the officer responsible for making over the control to the military ? Was the Bombay Government consulted beforehand ? If not, why not ? Was any information given to the Bombay Government or the Government of India before the control was taken by the military on the 12th of April ? On what date was the assent of the Bombay Government given ? On what date was the Government of India informed and on what date was the Martial Law Ordinance promulgated ?

(*j*) What were the reasons for the making over the control to the military ?

(*k*) Was the patrolling of the streets by the volunteers of the Congress or the party of civil resistance the only ground for making over the control of the city to the military or introduction of martial law ? What was the strength of the Congress volunteers in the city ? Is there any truth in the statement made in the *Statesman* of Calcutta that the military authorities refused to help the civil authorities in restoring or maintaining order unless full control was made over to them ? If so, who was the officer or authority responsible for this attitude and what was the justification for the same ?

The Honourable Mr. H G Haig . (1) I would refer the Honourable Member to the communique issued by the Government of Bombay on the 19th of May, which contains the greater part of the information he desires

(2) In regard to part (*h*) of the question, the District Magistrate of Sholapur, for the reasons given in the communiqué, handed over the control of the situation to the military authorities at 8-30 P.M , on the 12th of May He had informed the Bombay Government that afternoon of his intention, and the latter on the same evening approved of his action The Government of India received information the next morning, and the Sholapur Martial Law Ordinance was promulgated on the 15th of May

(3) In regard to part (*k*) of the question, section 128, Criminal Procedure Code, was enacted in its present form in 1882 Government do not propose to amend section 128 and section 129 of the Code in the direction indicated

FLOGGING.

76 ***Rai Bahadur S C. Dutta** : Is flogging a punishment prescribed in the martial law regulations promulgated at Sholapur ? If so, for what offences ? Have Government come to know that this mode of punishment

is considered very abhorrent in this country and is being resented as being unsuitable for political offences and insulting from a foreign Government ? Do Government propose abolishing such punishment ?

The Honourable Mr H G Haig A copy of the Sholapur Martial Law Ordinance of 1930 and of the Martial Law Regulations made thereunder have been placed in the Library of the House From section 8 of the Ordinance and Martial Law Regulation No 3 it will be seen that no offender could be sentenced to whipping unless he had used criminal force in the commission of the offence for which he was convicted and that a sentence of whipping could not be passed in addition to any other punishment Since martial law is no longer in force in Sholapur, no question arises of amending the Regulations in the direction suggested by the Honourable Member

DISTURBANCE AT PESHAWAR

77 ***Rai Bahadur S. C. Dutta** . (*a*) Will Government be pleased to state the results of the inquiry that has been directed into the affairs at Peshawar and the trial by court-martial of certain soldiers charged with disobedience ? What was the number of persons killed and wounded on that date on both sides ?

(*b*) Will Government be pleased to give an up-to-date statement of all the principal incidents at Peshawar ?

(*c*) Why did not Government appoint any Hindu or any non-official lawyer in the committee of inquiry ?

The Honourable Mr. H G Haig (*a*) and (*b*) I would invite the Honourable Member's attention to the finding of the Court Martial in the case to which he refers, and as regards the incidents at Peshawar to the communiqué issued by the Government of India on the 5th of May and to the Report of the Peshawar Enquiry Committee and the Resolution thereon issued by the Government of India recently

(*c*) Government considered that a committee consisting of two High Court Judges was the most suitable

Dr Ziauddin Ahmad May I ask, Sir, if the Honourable Member will circulate the Report of the Sulaiman Inquiry Committee among the Members of the Legislature ?

The Honourable Mr H. G Haig . If Honourable Members generally desire to have a copy of the Report, I am sure Government will be very glad to circulate it , but we do not want to circulate it unnecessarily I am entirely in the hands of the House

Dr. Ziauddin Ahmad Have the Government accepted the majority opinion or the minority opinion in that Report ?

The Honourable Mr H G Haig I think it is difficult to have a majority and a minority in a Committee consisting of two only

Dr Ziauddin Ahmad I understand that in case of equality of votes, the Chairman has got a second vote. Therefore, the opinion of the Chairman is the opinion of the majority

Mr President : That is not a question

Mr M. A Jinnah : May I know, Sir, whether the Government think, and whether they are satisfied, that the influence of this Report and the provisional opinions which they have expressed is enough to restore peace in that province ? Or do they propose to take some further steps in the matter ?

The Honourable Mr. H G Haig : The Report, Sir, I think, clears up a very unfortunate incident. But that in itself, of course, is not sufficient to restore peace in the province For that purpose, other measures are being adopted and, I believe, are meeting with very considerable success

Mr M. A. Jinnah : Are the Government prepared immediately to consult some leading men of that province and other Mussalmans who may be available in Simla, and in consultation with them to take immediate necessary steps to restore harmony and peace in that province ?

The Honourable Mr H G. Haig : I think the steps which the Honourable Member suggests, namely, consultation with leading men in the province, not here in Simla, have been taken and are being pursued actively in the Frontier Province

Dr Nand Lal : Has the political condition of Peshawar improved a bit now ?

The Honourable Mr H. G Haig . That, Sir, is most certainly my information and belief

Mr. M. A. Jinnah : What I wanted to know was whether the Government are prepared to avail themselves of the representative men, particularly the Members of this House who are present, and in consultation with them to devise measures to restore peace in that province ?

The Honourable Mr H. G Haig . I am sure the Government will be only too pleased to receive any suggestions from Honourable Members or others who are here present in Simla , but the real work of conciliation has to be done in the Frontier Province For that purpose recently an Honourable Member of the Governor General's Council (Sir Fazl-i-Husain) went up and consulted the Chief Commissioner, and I understand that the conclusions reached were very satisfactory and that the tone and temper in the province is much improved

Mr M A Jinnah I want to know definitely from Government I have no doubt that the Government are doing their utmost and everything that can be done from the official point of view has been done But my specific question is this Are you going to take some definite step and avail yourself of the services of some representative men who are in Simla now to be associated with the Government to take some steps which might even make the position better than it is at present ?

The Honourable Mr. H. G Haig : It is a little difficult for me to answer that question, because the ordinary administration of the Frontier Province is not a matter which concerns the Home Department It is primarily the concern of the Foreign and Political Department, and I am not really acquainted with the full details of the ameliorative measures that are now under contemplation , but I repeat, Sir, that, though I cannot give any undertaking to the House—I rather understood that

the Honourable Member suggested a special committee or something of that sort

Mr M A Jinnah : No, I did not What I suggest is this. It does not matter who is the Member in charge I take it the Honourable Member is speaking on behalf of the Government of India. I suggested that the Honourable Member, whoever is in charge, should invite certain representative Mussalmans who are at present in Simla today, and in consultation with them he might determine certain steps which might lead to harmony and better feelings and to restoration of peace in that province

The Honourable Mr H G Haig : I think Mr Howell will be able to answer this

Mr E B Howell : I understand the suggestion to be that these gentlemen, who are now in Simla, should be invited to meet myself and Mr Haig and perhaps some other officers, and put forward any suggestions they have with a view to improve conditions in that province Was it the Honourable Member's intention that the invitation to these gentlemen should be confined to Members of this House ?

Mr M A. Jinnah : Not necessarily

Mr E B Howell : I think I may say without hesitation that we would accept the suggestion

Mr Gaya Prasad Singh Why should the Conference be confined to the Members of one particular community ? The Hindus also suffered a lot

Mr M A Jinnah : I never said that it should be confined to the Mussalmans

Mr Gaya Prasad Singh : You suggested that

Mr M A Jinnah : I said representative Mussalmans should be invited This does not exclude Hindus from being invited

DISTURBANCE AT PESHAWAR

78 *Rai **Bahadur S C Dutta** (*a*) Was there any crowd at the place when the Congress leaders at Peshawar were arrested ? If so, what was the number of the crowd, what was the number of the crowd after the arrest ? What was the nature of the demonstration made by the crowd after the arrest which necessitated their dispersal ? Did the crowd make any attempt to rescue the arrested persons ? If so, what actual steps did they take for that purpose ? Did the crowd commit any other act of violence or anything illegal or unlawful before steps were taken to disperse them ?

(*b*) What was the number and rank of the police force or soldiers present when the crowd was first ordered to disperse ?

(*c*) Were two armoured cars sent to disperse the crowd ? How were they manned and equipped ? Did the crowd attack these cars ? Was the crowd excited before or after the arrival of these armoured cars ? What attempt was made to rescue these cars and with what results ? Who was responsible for sending these cars ?

(*d*) Is it a fact that the crowd was infuriated because some motor vehicles dashed upon them and crushed people under them ? If so, who were the persons concerned ?

(*e*) What order have Government passed or do Government propose to pass upon the reports or results of inquiries made into the affairs at Peshawar ?

(*f*) When was the firing upon the crowd commenced and how long did it continue ? How many persons fired at a time and how many rounds were fired ? What necessitated the opening of firing and what necessitated its continuance for this period ?

The Honourable Mr H G Haig : I would invite the Honourable Member's attention to the Report of the Peshawar Inquiry Committee and the Resolution of the Government of India thereon

CIRCUMSTANCES OF FIRING UPON CROWDS IN RECENT DISTURBANCES

79 * **Rai Bahadur S. C. Dutta** : Will Government inform this House, about the occasions and incidents, with dates and places when the Government forces, police or military, had to fire, either in self-defence or to disperse a crowd during the period after the close of the last Session of the Legislative Assembly, whether action was taken under section 128 or section 129 of the Criminal Procedure Code ? What circumstances justified the same, what officers gave the order, what warnings were given and what precautions were taken, what was the nature of shots fired in each case and the number of persons firing, the number of rounds fired and the duration of firing in each case ?

The Honourable Mr H G Haig : The Honourable Member is referred to the reply given to Mr S C Mitra's question No 20

NEWSPAPERS REQUIRED TO DEPOSIT SECURITY

80. ***Rai Bahadur S. C Dutta** : Will Government inform this House of the number of newspapers that have been called upon, in each province, to make deposit as security under the new Press Ordinance, how many have made the required deposit, and how many have ceased publication on account of failure to make the deposit ? How many newspapers have ceased publication by way of protest against the Ordinance ?

The Honourable Mr H. G Haig : I would refer the Honourable Member to the reply which I gave to Mr S C Mitra's question No 18

REPRESENTATION OF ASSAM IN GOVERNMENT SERVICES.

81 ***Rai Bahadur S. C. Dutta** : (*a*) Will Government place before the House a statement showing the number of appointments in the different Secretariat establishments of the Government of India and of all appointments in all Departments of the Government of India, both of superior and inferior cadres (exclusive of local services of centrally administered local areas), and of them the number of appointments held by non-Indians and by Indians belonging to different provinces ?

(*b*) What is the system of recruitment to these services outside the Indian Civil Service and what is the authority that makes these appointments ?

(*c*) Has the attention of Government been drawn to the very inadequate representation, and in some cases of utter want of representation of Assam in these services ? Is it not a fact that such inequalities of recruitment in the superior grades of services from Assam have been in existence for a very long time, from long before the introduction of the present system of recruitment partially by competitive examination ? Are Government prepared to remove these local inequalities by nomination of suitable candidates from Assam ?

The Honourable Mr H G Haig . (*a*) and (*b*) I am afraid a full reply to the Honourable Member's question would involve a task, for which the Home Department have not the staff available For some account of the authorities who may appoint to the various services I would refer the Honourable Member to the Civil Services (Classification, Control and Appeal) Rules which were recently published , and he is doubtless aware that the main means of recruitment in an ever increasing number of services, is by competitive examination Statements are also published every year showing the composition by communities of the various Secretariat establishments of the Government of India

(*c*) Government are aware that Assam has not been, and is not, largely represented in the services in question The Government of India's policy as regards reserving vacancies for appointment by nomination is confined to the redress of communal inequalities They do not consider it practicable to adopt the same principle in order to redress inequalities of provincial representation

EXAMINATION OF THE REPORT OF THE INDIAN CENTRAL COMMITTEE

82 ***Mr. M. K. Acharya** : Will Government be pleased to say whether they have examined the Report of the Indian Central (or Nair) Committee on Constitutional Reforms, and whether they will place before the Assembly the result of such examination, if any ?

The Honourable Mr H G Haig : The Report is under examination together with the report of the Indian Statutory Commission No conclusions have yet been reached

Mr M K. Acharya : Will the conclusions, when reached, be placed before this House or before the public ?

The Honourable Mr H. G Haig : I am afraid I am not in a position at present to say what will happen when the Government of India have reached their conclusions .

Dr Nand Lal : Will the Honourable Member say whether the Government of India have gone through these two volumes or not ?

The Honourable Mr H. G. Haig : They are going through all documents connected with the constitutional revision with great industry

EXAMINATION OF THE REPORT OF THE INDIAN STATUTORY COMMISSION

83. *Mr. M K Acharya : Will Government be pleased to say

(a) whether they have examined the Report of the Indian Statutory (or Simon) Commission, and can acquaint the Assembly with the result of such examination ?

(b) whether they have sent to the Secretary of State any communication containing their views on that Report, and can lay that communication on the table of the Assembly ?

The Honourable Mr H G Haig : (a) I would refer the Honourable Member to the answer which I have just given

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

AGENDA FOR THE ROUND TABLE CONFERENCE

84 *Mr M K Acharya : Will Government be pleased to say

(a) Whether they can indicate in any detail what will be the agenda of work for the proposed Round Table Conference ?

(b) Whether the Simon Commission's Report will form the main theme or basis of discussion at that Conference ?

(c) What public bodies or organisations and interests in India have been invited by Government to participate in the said Conference , which of them have accepted Government's invitation ?

(d) What number of seats on that Conference do Government propose to allot to each organisation or interest above referred to ?

The Honourable Mr. H G. Haig : (a) and (b) I would refer the Honourable Member to what was said by His Excellency the Viceroy in his address on the 9th July

(c) and (d) No persons have yet been invited to attend the Round Table Conference With regard to the principles which will govern the issue of invitations it was made plain in His Excellency the Viceroy's statement on the 31st October last that His Majesty's Government propose to invite representatives of different parties and interests, and in His Excellency's letter to the Prime Minister, which was published on the 13th May, it was emphasised that the representation of India should be fairly distributed among those sections of thought who desire and have a title to be heard It is intended that the invitations should be issued after consultation where possible with the interests concerned

Mr M K Acharya : Will Government please state who will decide what are the important interests in India that deserve representation and invitation and in what measure ?

The Honourable Mr H. G Haig : I imagine, Sir, that it will be the duty of His Excellency the Viceroy to advise the Prime Minister and His Majesty's Government on that point

Sir Hari Singh Gour : May I beg to enquire whether the attention of the Honourable Member has been drawn to the fact that, in the statement issued by the Viceroy on the 31st of October, it was stated that Indian representatives would confer with His Majesty's Government, whereas in the speech delivered by the Viceroy in this House the other day, it has been stated that the Round Table Conference shall comprise representatives of India and of the British people. I wish to know if there has been any change in the procedure What will be the number of representatives of the British people, considering that the Government of India propose to send up 62 representatives of British India and Indian States ? I want to know the relative strength of the representatives of the two countries, whether the representatives of Great Britain would be drawn from the recognised three parties and limited to Parliamentary representation ?

The Honourable Mr H G Haig . I am afraid I am not in a position to give the Honourable Member any information.

Sir Hari Singh Gour : I may just point out that it is exercising the minds of all of us, and if the Honourable Member would be pleased to give us an answer tomorrow or the day after, we shall be satisfied

Mr President : That is not a supplementary question

Sir Hari Singh Gour : I am only making a suggestion

Mr M R. Jayakar : Will the Honourable Member consider the desirability of inducing the Government to make an authoritative statement on this question, if not during the Session of the House, at the earliest opportunity ?

The Honourable Mr H G Haig : I have no doubt that the matter is engaging the attention of the Government, but no conclusions, as far as I know, have been reached in regard to the nature of the representation of the other side of the Conference

Mr M R Jayakar Whatever conclusions Government would reach, I want them to be published in the form of an authoritative statement

The Honourable Mr. H G Haig : I am sure that, as soon as a conclusion is reached, it will be published

Dr. Nand Lal . The answer is given that no invitation has been issued by the Government of India May I ask whether some names have been contemplated by the Government of India in this connection ?

The Honourable Mr H G Haig : I have no doubt, Sir, that some preliminary consideration has been given to the problem

Mr P Venkatakrishnayya Chowdry : Is Mr. Acharya's one of the names considered ?

Mr President : Order, order.

Mr. President : I understand that Colonel Gidney is anxious to put his question No 73 He was unavoidably absent when that question was reached this morning I allow Colonel Gidney to put his question now

INJUSTICE TO LOCALLY RECRUITED COMMERCIAL SUPERINTENDENTS ON THE NORTH WESTERN RAILWAY

73 *Lieut.-Colonel H. A. J. Gidney (*a*) Is it a fact that there is a special cadre of Commercial Superintendents, Junior and Senior, on Rs 500—25—575|600—25—675 a month on the North Western Railway in the office of the Chief Commercial Manager, Lahore, and that these appointments are graded in the subordinate cadre ?

(*b*) Is it a fact that these men as a rule consist of Claims, Rates, Refunds and Outstanding Officers, who exercise the powers of, but are not recognised as, gazetted officers, and that others doing identically the same work on all other railways in India, both State and Company-owned, are *pucca* gazetted officers ?

(*c*) Is it true that this cadre was first introduced as Office Traffic Inspectors with the honorary rank of Assistant Traffic Superintendents and that the grant of the honorary rank gradually fell into disuse, as new men full of ambition were introduced to these special posts ?

(*d*) Is it a fact that, these specialised posts were created to get the work done by subordinates who had acquired vast railway experience, because the covenanted European officers of the Superior Revenue Establishment did not feel equal to tackle the minute details involved ?

(*e*) Is it a fact that of the present eight or ten incumbents of the posts referred to, although they all do the same work and have the responsibilities, two are in the Local Service, one has an honorary rank, while the others are subordinates ?

(*f*) If the answers to parts (*a*), (*b*) and (*e*) are in the affirmative, will Government be pleased to state why this distinction is being perpetuated on the North Western Railway ?

Mr A A L Parsons : (*a*) Yes.

(*b*) They are employed on work of importance relating to claims, rates, refunds and outstandings but their duties and responsibilities are not identical with those assigned to Superior Officers on other railways engaged on similar work

(*c*) The cadre first consisted of Office Traffic Inspectors but not with the honorary rank of Assistant Traffic Superintendents This cadre was subsequently substituted by the present cadre of Commercial Superintendents

(*d*) No

(*e*) The present 7 incumbents are all in the subordinate grade and none of them holds honorary rank or is in the Local Services

(*f*) The proper status to be assigned to these posts is under consideration

Lieut-Colonel H A. J Gidney : Is the Honourable Member aware of the fact that almost all the senior and junior Commercial Superintendents, though young men, are blocked on their maxima, and have no further scope for advancement in these cadres, and that the anomalies existing in these two grades have already been represented to the Agent in a memorial dated 21st June, 1928 ?

12 NOON

Mr. A A L. Parsons : I must ask for notice of that question.

Lieut-Colonel H. A. J Gidney : Arising out of the reply to (*b*) and the admission that in other railways the " claims " work is performed by gazetted officers, presumably drawing much higher rates of pay and Lee Commission concessions, and in view of the fact that the Classified List of Railway Officers supports this statement, will Government state what justification, if any, there is for the North Western Railway alone to extract such work from subordinates at cheaper rates of pay ?

Mr A. A L Parsons : As I explained to the Honourable Member, I understand that the duties and responsibilities of these officers on the North Western Railway are not exactly the same as those assigned to the officers on other railways , but the question of the status of the officers on the North Western Railway is under consideration.

UNSTARRED QUESTIONS AND ANSWERS

Improvement of Privies in Third Class Railway Carriages

1 **Khan Bahadur Sarfaraz Hussain Khan** With reference to Government's reply to starred question No 7 (*a*) and (*c*) asked in the meeting of the Legislative Assembly on the 20th January, 1930, regarding the improvement of privies in third class railway carriages, that " The Honourable Member's suggestion is a reasonable one and Government are bringing it to the notice of Railway Administration " and " but the matter is being brought to the notice of the Railway Administration ", will Government please state if the Railway Administration have taken steps to remove the difficulties referred to in the question ?

Mr. A A L Parsons : We have received information from the South Indian Railway that pegs and taps are provided in the lavatories of third class carriages The ledges of the latrine doors are raised so that water cannot find its way into the compartments We have no information so far what other railways are doing The alterations suggested can, where they are necessary, only be carried out gradually as carriages come into shops for overhaul, and it is too early yet to make enquiries from railway administrations I will, however, have enquiries made towards the close of this year and will let the Honourable Member know the result

Prohibition of Opium Smoking

2 **Khan Bahadur Sarfaraz Hussain Khan** (*a*) With reference to Government's reply to starred question No 13 regarding the prohibition of opium smoking, asked in the meeting of the Legislative Assembly on the 20th January, 1930 that " The Government of India have ascertained from the Government of Bombay that the report may probably be expected in February ", will Government please state if the report referred to has been received by them ?

(*b*) If so, will they please lay a copy of it on the table ?

(*c*) If not, are they prepared to send another reminder to the Bombay Government ?

The Honourable Sir George Schuster : (*a*) The Government have received the Reports

(*b*) The Government of Bombay have informed the Government of India that they do not wish the Report to be laid on the table of this House since they have not yet passed orders on it

(*c*) Does not arise

RECOMMENDATIONS OF THE CIVIL JUSTICE COMMITTEE.

3. **Khan Bahadur Sarfaraz Hussain Khan** Will Government be pleased to state how many recommendations of the Civil Justice Committee in all have been received by the Government and how many out of them have been given effect to ?

The Honourable Mr. H G Haig : The Honourable Member is referred to the answer given by Sir James Crerar on the 20th January last to Mr Duraiswamy Aiyangar's question No 38 As regards the total number of recommendations made by the Committee I would invite the Honourable Member's attention to pages 612—646 of their Report

EXTENSION OF DELHI CITY

4. **Khan Bahadur Sarfaraz Hussain Khan** (*a*) With reference to Government's reply to my unstarred question No 4 in the meeting of the Legislative Assembly on the 20th January, 1930, regarding the extension of Delhi City, will Government please state if any steps have been taken to give effect to the extension scheme ?

(*b*) If so, will they please state what those steps are ?

(*c*) If not, by what time do they propose to give effect to the scheme ?

Sir Frank Noyce : (*a*), (*b*) and (*c*) It is not clear to what scheme precisely the Honourable Member's question relates, but if he is referring to the scheme for laying out as a park the land lying between the Circular Road and the city wall, I may inform him that Government have called for the views of the Delhi Municipality as to the suitability of allocating this area for purposes of a park Until the views of the Municipality have been received, it is not possible to say whether or when the scheme will be sanctioned.

EXTENSION OF THE AIR MAIL SERVICE TO CALCUTTA AND RANGOON

5 **Khan Bahadur Sarfaraz Hussain Khan** (*a*) With reference to my unstarred question No 5 in the meeting of the Assembly on the 20th January, 1930, regarding the Air Mail Service to Delhi, when Government replied " Further extension to Calcutta and Rangoon are under consideration by Government ", will Government please state whether they have arrived at any decision in the matter referred to ?

(*b*) If so, will they please state what this decision is ?

(*c*) If not, by what time are they expected to come to a decision ?

The Honourable Sir Joseph Bhore : (*a*) and (*b*) Government have decided to extend the Indian State Air Service from Delhi to Calcutta and Rangoon

(*c*) Does not arise

WAITING ROOM AT KHAJAULI

6. **Khan Bahadur Sarfaraz Hussain Khan** (*a*) With reference to my unstarred question No 8 in the meeting of the Assembly of the 20th January, 1930, regarding the waiting room at Khajauli, when Government replied " (*b*) Government are not aware of the position ; but a copy of the Honourable Member's question has been sent to the Agent, Bengal and North Western Railway, with the request that he will see what action, if any, is needed ", will Government be pleased to state if the Agent has taken any action in the matter ?

(*b*) If so, will they please state what is the action taken ?

Mr A A L Parsons : (*a*) and (*b*) Government have been advised by the Agent, Bengal and North Western Railway, that the figures obtained for one year, from November 1928 to October 1929, for inward and outward upper class traffic at Khajauli, a wayside station on the Sakri-Jayanagar Branch, do not warrant the provision of a waiting room for upper class passengers The combined outward and inward 1st and 2nd class passengers at this station averaged 31 monthly, the greatest number being 51 during February and the smallest number 15 during July A waiting hall for lower class passengers exists at this station

OPIUM INQUIRY

7 **Khan Bahadur Sarfaraz Hussain Khan** (*a*) With reference to Government's reply to my unstarred question No 8 in the meeting of the Assembly on the 20th January, 1930, regarding an opium inquiry, will Government be pleased to state if the report of the Bombay Government has been received by now ?

(*b*) If so, will Government please lay a copy of it on the table ?

The Honourable Sir George Schuster : (*a*) The Government have received the Reports

(*b*) The Government of Bombay have informed the Government of India that they do not wish the Report to be laid on the table of this House since they have not yet passed orders on it

CLERKS' QUARTERS AT PHAGLI, SIMLA

8. **Khan Bahadur Sarfaraz Hussain Khan** (*a*) With reference to the reply to my unstarred question No 10 in the meeting of the Assembly on the 20th January, 1930, regarding clerks' quarters in Phagli, Simla, that the question of constructing additional accommodation is still under consideration, will Government please state if the matter has been considered and decided ?

(*b*) If so will Government please communicate their decision to the House ?

(*c*) If not, by what time is the decision likely to be arrived at ?

The Honourable Sir Joseph Bhore : (*a*) and (*b*) The matter is still under consideration.

(*c*) It is not possible to give any precise date by which a decision may be reached

TERMINAL TAX ON GOODS ENTERING NEW DELHI.

9 **Khan Bahadur Sarfaraz Hussain Khan** (*a*) With reference to my unstarred question No 11 in the meeting of the Assembly on the 20th January, 1930, regarding the terminal tax on goods entering New Delhi, and the reply by Government that the preliminaries are still under consideration, will Government please state if they have considered the preliminaries by now ?

(*b*) If so, will they please communicate their decision to the House ?

Sir Frank Noyce : (*a*) and (*b*) It is understood that the preliminaries have been considered by the Chief Commissioner, Delhi, and that it is proposed that the Delhi Municipal Committee should collect terminal tax on goods entering New Delhi,—New Delhi and Delhi city being treated as one unit for purposes of collection of the tax The proposal, which has been referred by the Chief Commissioner to the railway authorities for opinion, has not yet been submitted to the Government of India

APPOINTMENT OF CLERKS IN ARMY HEADQUARTERS

10. **Khan Bahadur Sarfaraz Hussain Khan** (*a*) With reference to my unstarred question No 12 in the meeting of the Assembly on the 20th January, 1930, regarding the appointment of clerks in Army Headquarters, and the reply by Government " Yes, in all but in two cases which are still under consideration ", will Government please state if they have arrived at a decision in the matter ?

(*b*) If so, will they please communicate their decision to the House ?

Mr. G M. Young : (*a*) Yes

(*b*) The two cases under consideration were found to differ from those previously settled, as neither of the men concerned had actually been given provisional promotion It was not therefore possible to confirm them in substantive appointments

SUPERSESSION OF CLERKS IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

11 **Khan Bahadur Sarfaraz Hussain Khan** (*a*) With reference to my unstarred question No 13 in the meeting of the Assembly on the 20th January, 1930, regarding the supersession of clerks in the Railway Clearing Accounts Office, and the reply by Government " The report is now under consideration ", will Government please state if they have considered the report and arrived at a decision ?

(*b*) If so, will they please communicate their decision to the House ?

Mr A. A. L Parsons : The report was only submitted to me on the eleventh of this month I expect to pass orders on it very shortly

EXTRA PAY FOR POSTAL OFFICIALS

12 **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to my unstarred question No 22 in the meeting of the Assembly of the 20th January, 1930, regarding " Extra pay for postal officials ", and the reply by Government " No final decision has yet been reached ", will Government please state if they have reached a final decision by now ?

(*b*) If so, will they please communicate their decision to the House ?

The Honourable Sir Joseph Bhore : The Honourable Member's attention is invited to part (*c*) of the reply given in this House to Mr. M. Anwar-ul-Azim's starred question No 331 on 17th February, 1930, in which it was stated that it is not possible to introduce in the immediate future any measure of relief involving additional expenditure The Director General however hopes to introduce shortly measures which while not involving considerable additional expenditure will afford some further relief to the staff on Sundays and holidays

THE SIMLA RAILWAY STATION

13. **Khan Bahadur Sarfaraz Hussain Khan** (*a*) Has the attention of Government been drawn to the paragraph published in the issue of the *Statesman* of the 15th May, 1930, page 4, column 5, under the heading " Simla Railway Station " ?

(*b*) If so, will they please state if the statement made therein is wholly or partially correct ?

(*c*) If so, will they please state what steps they propose to take with a view to remove the grievance of the public travelling from Kalka to Simla ?

Mr. A A. L. Parsons . (*a*) Yes

(*b*) and (*c*) The statements made in the article in the *Statesman* are not wholly correct

Packages belonging to one owner have labels affixed to them each with the same number, but it is not practicable always to load such packages together and in one place in the van, the loading of which must depend on the nature and size of the various packages to be carried

On the narrow gauge Simla hill Railway passengers are allowed to take little or no luggage into their compartments so that practically every passenger has luggage in the van As a result there are relatively more passengers identifying and collecting luggage from the van at stations on this line than on other sections of the railway In order to relieve congestion and possible misdelivery, 10 pens for luggage are provided at Simla Station, each corresponding to one of the 10 digits Luggage is placed in these pens in accordance with the numbers on the labels and delivered from the pens and not direct from the van This arrangement inevitably causes some delay but it has been found to be a necessary precaution against misdelivery and loss

Government do not think further action necessary

CONSTRUCTION OF A RAILWAY BRIDGE OVER THE RIVER GANDAK

14. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to Government's reply, " The matter is under consideration. No decision has

as yet been arrived at " to my unstarred question No 24 in the meeting of the Assembly on the 20th January, 1930, regarding the construction of a railway bridge on the river Gandak, will Government please state if they have arrived at a decision by now ?

(*b*) If so, will they please communicate their decision to the House ?

Mr A. A L Parsons : The examination of the project from Chakia to Sidhwalia, which includes a bridge over the river Gandak, has proved that this line is unremunerative It is not likely to be constructed, therefore, for many years, if ever

HOUSING CONDITIONS OF WORKMEN AT LILLOOAH

15. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to Government's reply " The question is still under consideration " to my unstarred question No 34 in the meeting of the Assembly on the 20th January, 1930, regarding housing conditions of workmen at Lilloah, will Government please state if they have considered the question and arrived at a decision in the matter ?

(*b*) If so, will they please communicate their decision to the House ?

Mr. A A. L. Parsons . (*a*) I regret that it has not been possible to come to a final decision in the matter as yet.

(*b*) Does not arise

OPENING OF A BROAD GAUGE RAILWAY BETWEEN JAKHAL AND SIRSA

16. **Khan Bahadur Sarfaraz Hussain Khan** (*a*) With reference to Government's reply to my unstarred question No 37 in the meeting of the Assembly on the 20th January, 1930, on the subject of opening a broad gauge railway between Jakhal and Sirsa, will Government please state if they have since received the survey report ?

(*b*) If so, will they please state if they have come to any decision in the matter ?

(*c*) If so, will they please communicate their decision to the House ?

Mr A A L Parsons (*a*) The survey report has recently been received

(*b*) and (*c*). The report is under consideration No decision has been arrived at as yet

COMPENSATION FOR INNOCENT VICTIMS OF RECENT DISTURBANCES AND RECOGNITION OF SERVICES OF POLICE AND MILITARY.

17 **Mr Arthur Moore** : What compensation do Government propose to make to the families of innocent victims of recent civil disturbanses,

and will there be some official recognition of the strain to which the police and military forces in certain areas have been exposed ?

The Honourable Mr. H G Haig : Government cannot accept the principle of liability for loss or injury to members of the public arising out of civil disturbances They are fully alive to the importance of the prompt and liberal grant of compensation to the families of Government servants, who lose their lives in performance of their duties They also recognize the unusual strain imposed on the police by the Civil Disobedience Movement and the loyalty and devotion with which that strain has been met It is understood that several Local Governments have sanctioned the grant of special allowances for additional duty where the strain is especially severe In regard to the military, the regulations provide for the grant of allowances when troops are employed under abnormal conditions and these are being observed

Export Duty on Rice

18 **Mr N G Ranga** : (*a*) Is the Honourable the Commerce Member aware of the great alarm caused by the newly imposed export duty upon rice among the paddy growers in the country, in view of the continuous fall in prices and the overproduction of paddy ?

(*b*) Does he propose to watch as to how far the new export duty operates in checking the exports of Indian rice and in keeping down the price of paddy in India, with a view to gauge the good or bad effects of this duty upon the paddy growers during this year ?

The Honourable Sir George Rainy : (*a*) and (*b*) The Honourable Member is apparently under a misapprehension The last Finance Act did not impose a new export duty on rice On the contrary, it reduced the existing duty from 3 annas to 2¼ annas a maund This reduction was designed to remove the disparity that formerly existed between the Indian export duty and that imposed by Siam which is one of Burma's principal competitors in the rice trade

Prices obtaining for Paddy and Quantities Exported and Imported

19 **Mr N. G. Ranga** : Will the Honourable the Commerce Member be pleased to supply the House the information regarding the monthly average prices obtaining for paddy in the last fifteen years in the chief exporting centres and also, the comparative figures (in quantity and value) for the export and import of paddy to and from India ?

The Honourable Sir George Rainy Two statements giving the desired information as regards the monthly average prices of paddy are laid on the table Information regarding the quantity and value of exports and imports of paddy from and to India is contained in the Annual Statements and Monthly Accounts of the Sea-Borne Trade of British India, copies of which are in the Library

A.

Monthly averages of highest prices of Boat Paddy, Rangoon (per 100 baskets of 46 lbs)

Months	1915	1916	1917	1918	1919	1920	1921	1922	1923	1924.	1925	1926	1927	1928	1929
	Rs	Rs	Rs	Rs	Rs	Rs	Rs	Rs	Rs	Rs.	Rs	Rs.	Rs.	Rs	Rs
January .	105	103	100	107	118	178	143	174	177	197	174	178	174	167	161
February	98	97	114	92	123	180	148	190	176	189	177	182	179	172	159
March . ..	90	114	120	92	128	181	163	191	180	191	182	196	191	168	157
April	95	122	111	91	138	188	182	203	191	190	182	206	191	163	157
May .	111	118	104	89	152	197	204	218	187	200	186	206	200	165	164
June .	129	117	104	93	150	206	219	211	176	205	194	214	199	156	171
July .	146	116	100	98	150	208	233	213	168	213	190	217	197	159	178
August	160	120	97	140	150	202	237	202	171	224	199	219	192	161	180
September	184	126	80	150	150	198	259	199	197	215	198	215	189	168	191
October	167	126	82	161	150	197	253	197	190	213	193	214	172	180	185
November	139	119	86	201	150	182	240	200	192	208	197	199	181	190	167
December . .	94	128	117	127	175	158	185	172	203	200	191	182	188	159	157

B

Statement showing average monthly prices of paddy in rupees and decimals of a rupee per maund at Madras from the years 1915 to 1929

Months	1915	1916	1917	1918	1919	1920	1921	1922	1923	1924.	1925.	1926	1927	1928	1929.
	Rs.	Rs.	Rs	Rs.	Rs	Rs	Rs	Rs	Rs	Rs.	Rs.	Rs	Rs.	Rs.	Rs
January	3 28	3 11	3 25	2 96	4 54	5 88	5 75	5 63	5 00	4 61	5 27	4 94	4 99	5 41	5 00
February	2 99	3 00	3 25	3 07	4 87	5 63	5 82	5 00	4 87	4 61	5 27	4 68	4 70	5 54	4 86
March	2 84	2 97	2 97	3 05	4 67	5 55	4 87	5 07	4 74	4 61	5 34	4 50	5 00	5 54	5 14
April	2 73	2 97	3 00	3 03	4 74	5 41	4 87	5 00	4 61	4 61	5 00	(b) 4 59	4 91	5 55	4 87
May	2 70	2 97	3 06	3 52	4 80	5 88	4 87	5 14	3 98	4 61	4 87	4 59	5 41	5 54	4 60
June	2 73	2 97	3 29	3 43	4 94	5 81	4 87	5 14	4 61	4 87	4 87	4 59	5 41	5 54	4 59
July	2 90	3 00	3 28	3 56	5 65	6 77	5 00	5 26	4 61	4 25	4 87	4 59	5 41	5 54	4 59
August	3 11	3 04	3 21	3 74	6 16	6 77	5 14	5 33	4 67	5 68	(a) 4 87	4 59	5 69	(b) 5 54	4 72
September	3 11	3 04	3 35	3 93	6 49	6 77	5 14	5 41	4 94	5 54	4 95	4 59	5 69	5 54	5 00
October	3 11	3 04	3 40	4 36	6 63	6 77	5 38	5 41	4 67	5 27	4 94	4 59	5 69	5 54	4 86
November	3 11	3 17	3 16	4 88	(b) 6 50	6 49	5 38	5 48	4 19	5 14	4 94	4 59	5 68	5 48	5 13
December	3 11	3 25	(a) 2 88	4 80	5 54	6 22	5 38	5 48	4 47	5 14	4 94	4 59	5 54	5·55	5 47

Note —Figures represent averages of two fortnightly quotations
(*a*) First half of the month
(*b*) Second half of the month.

DISABILITIES OF ASSISTED IMMIGRANTS FROM SOUTH AFRICA

20 **Mr. N. G. Ranga** : (*a*) Is the Honourable Member-in-charge of assisted immigration aware of the fact that the casteless assisted immigrants from South Africa suffer from many social disabilities in Madras and that they are finding it very difficult to earn enough to maintain themselves at the high standard of living to which they are accustomed ?

(*b*) Will the Honourable Member-in-charge of assisted immigration be pleased to state when he will place on the table of the House the report recently received by him from the committee appointed to inquire into the conditions of the assisted immigrants ?

Mr. G. S. Bajpai : (*a*) It is understood that the class of emigrants referred to by the Honourable Member are in exactly the same position as other casteless Hindus in the Madras Presidency Most of the returned emigrants are settling down either as cultivators or as agricultural labourers It is possible that they were accustomed to a higher standard of living in South Africa but their social status does not adversely affect their chances of securing occupation suited to their resources and aptitude

(*b*) A copy of the report has been placed in the Library of the House

OVERCROWDING OF THIRD CLASS CARRIAGES ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY

21 **Mr. N. G. Ranga** : (*a*) Has the Honourable the Commerce Member come to know that one Mr Srihari Rao was charged on a number of occasions at Rajahmundry under the Railway Companies Act by the Madras and Southern Mahratta Railway authorities for continuously pulling the alarm chain in the mail and other passenger trains to draw the attention of the railway authorities to overcrowding in the third class carriages ?

(*b*) Is the Honourable the Commerce Member aware of the fact that strong resentment prevails all along the Northern Circars against this action of the railway authorities ? Is it a fact that they have not tried, in spite of the agitation carried on by Mr Srihari Rao, to improve the conditions of the third class travelling ?

(*c*) Will the Honourable the Commerce Member be pleased to state what action he proposes to take to lessen the overcrowding in the third class carriages of the Madras and Southern Mahratta Railway Company ?

Mr. A. A. L. Parsons (*a*) Yes, except that the prosecutions were instituted under the Indian Railways Act 1890

(*b*) No

(*c*) A census of 3rd class passengers in trains was taken during November, 1929, on the Madras and Southern Mahratta Railway, and out of 249 trains checked eight were found to be overcrowded The question of preventing overcrowding on trains receives the constant attention of the Administration

DISTRIBUTION BY GOVERNMENT OFFICIALS OF LEAFLETS ON THE SALT TAX AND LAND REVENUE

22 **Mr. N. G. Ranga** : 1. (*a*) Are Government aware that the police and other Government officials have been distributing leaflets upon the Salt Tax and Land Revenue ?

(*b*) If so, will Government be pleased to state who is responsible for writing and publishing these leaflets ?

(*c*) In how many languages and upon which subjects are such leaflets published ?

(*d*) How many copies are printed and circulated and at what cost ?

2. Was the Honourable the Commerce Member consulted by the writer or writers of the leaflet upon land revenue as to the subject matter of the leaflet and, if so, has the Honourable Member given his permission ?

The Honourable Mr. H G. Haig : It is part of the policy of Government in combating the present movement to issue leaflets correcting misrepresentations Some leaflets have been prepared by the Government of India, others by Local Governments I am aware precisely what leaflets the Honourable Member refers to

UNFAIR STATEMENTS IN LEAFLETS ABOUT THE BURDEN OF LAND REVENUE.

23 **Mr. N G Ranga** . (*a*) Is not the Honourable the Commerce Member aware of the general fall in the prices of agricultural produce of this country in the last eight years ?

(*b*) If so, is it not true that the latest schedule of commutation prices prepared for purposes of land revenue was arrived at in Madras Presidency as long ago as 1922 and that the costs of cultivation have increased to at least as great an extent as the commutation prices of grain till 1922 ?

(*c*) Is it maintained by the writer or writers of the leaflet that the burden of land revenue is less now than what it was thirty years ago ?

The Honourable Mr H G Haig . (*a*), (*b*) and (*c*) The Government of India have no information regarding the schedule of commutation prices adopted in Madras and the increase in the cost of cultivation in that Presidency They believe, however, that it is an undoubted fact that the incidence of land revenue now represents a much lower proportion of the net profits of the revenue payer than it did 30 years ago, and that this is so in spite of the fact that during the past few years there has been a fall in the price of agricultural produce

ADDITIONAL DUTY ON PETROL AND ABOLITION OF TOLL GATES

24 **Mr N G Ranga** : Will the Honourable the Commerce Member be pleased to state what action has so far been taken to give effect to the recommendations of the Road Committee, appointed by this House according to one of which, an additional duty on petrol is to be raised to enable the Local Governments to abolish toll gates, and how much revenue has been derived by various local authorities since the Committee reported, through the toll gates and by the Government of India through the duty on petrol ?

The Honourable Sir Joseph Bhore : Action in the following main respects has been taken to give effect to the recommendations of the Road Committee

(*i*) An increase in the import and excise duties on petrol from 4 to 6 annas per gallon has been introduced by the Indian Finance Act of 1929

(*ii*) A Resolution covering some of the most important recommendations of the Committee has been moved in, and adopted by, both the Houses of the Central Legislature.

(*iii*) A Standing Committee for Roads has been appointed with the constitution and functions specified in the Resolution referred to

(*iv*) A Road Engineer has been appointed with the Government of India

Government have no information regarding revenue derived by various local authorities from toll gates since the Committee reported The revenue derived through the additional duty on petrol was Rs 4,50,000 in March 1929 and Rs 93,50,000 during the financial year 1929-30

EFFECT OF THE NEW COTTON DUTIES ON THE HANDLOOM INDUSTRY

25. **Mr. N. G Ranga** : (*a*) Is the Honourable the Commerce Member aware that the handloom weaving industry's interest often collides with those of the cotton mill industry of Bombay and other cities ?

(*b*) If so, has he considered the effects that might be produced by the newly imposed import duties upon yarn and cotton piece-goods, upon the handloom weaving industry ?

(*c*) Does the Honourable the Commerce Member propose to watch carefully the nature and amount of protection afforded to the handloom weaving industry by the new import duties ?

The Honourable Sir George Rainy : (*a*) Government have no reason to doubt that a conflict of interest may sometimes arise between the handloom industry and the cotton mill industry

(*b*) and (*c*) The minimum import duty of 1¼ annas per pound on yarn is not a new duty but has been in existence since the 22nd September, 1927 The possible effect on the handloom weaving industry of this duty and of the new duties on imported cotton piece-goods were carefully considered when the duties were imposed and the point will continue to receive attention

APPOINTMENT OF APPRAISERS IN THE CUSTOMS DEPARTMENT AT MADRAS

26 **Rao Bahadur P T Kumaraswami Chettiyar** : (1) Are the Government of India aware of an article in the editorial columns of *Justice*, Madras, published on Wednesday the 28th May, 1930, with the heading 'Customs Scandals' ?

(2) Is there any justification for the publication of the article ? If not, why did not Government repudiate that statement in the article ?

(3) (*a*) Will Government please place on the table a statement showing the number of vacancies filled up in the Appraisers' establishment since 1st April, 1927 ?

(*b*) How many candidates applied ? To which community each belonged ?

(*c*) To which community did each successful candidate belong ?

(*d*) What is the criterion of selection ? What particular qualification did the successful candidates have ? What particular qualification did the others who were unsuccessful lack in ?

(4) (*a*) Is it stated in the article, "Apparently also, the gentleman responsible for the recruitment in the City of Madras in respect of Customs Department is a loyal Government servant, who feels that his loyalty requires him to pay due regard to the claims of all those applicants, who are related to high officials in the Government of India", and were such applicants given preference ?

(*b*) If not, why did Government keep quiet without contradicting the statement either in the Press or in the Gazette ?

The Honourable Sir George Schuster : 1 The answer is in the affirmative

2 No It was the Honourable Member's question that called the attention of the Government of India to the article, and they welcome this opportunity of repudiating the statements made in it

3 (*a*) and (*c*) Statements 'A' and 'B' showing the information asked for, are placed on the table

(*b*) It is not now possible to give the figures of the total number of applicants because records are not kept of all applications but the number of registered applications from candidates is sixty-four, whose distribution according to nationality is given below —

Brahmins	35
Mohammedans	5
Non-Brahmins	12
Anglo-Indians	7
Indian Christians	4
Europeans	1
Total	64

(*d*) Appointments in the Appraisers' Branch of a Custom House are ordinarily given either to promising men who have gained previous experience, in the Custom House, of Customs law and procedure or to men with previous experience of some particular trade Of the four permanent vacancies occurring since 1st April, 1927, two were filled by promotion from within the Custom House, one was given to a technical chemist with business experience, the other to a man with experience of the piece-goods trade These two men were selected from the registered applicants because they were qualified in branches of work in which the Collector considered his staff needed strengthening It is quite possible that some of the unsuccessful candidates may have been equally well qualified in directions in which the need was not so pressing

4 (*a*) Yes The Government is satisfied that the various officers who have from time to time occupied the post of Collector of Customs in Madras are loyal Government servants who pay due regard to the qualifications of all applicants for appointment, irrespective of their family connections

(*b*) The Honourable Member is referred to the reply given to part 2 of his question

A

Statement showing the number of permanent and temporary vacancies and how they were filled up from 1st April 1927 to date in the Appraising Establishment of the Madras Custom House

Name.	Method of appointment or recruitment	Qualifications.	Community
PERMANENT VACANCIES			
1st April 1927 to 31st March 1928			
1 Mr H V Gillson, from 1st April 1927 .	Promoted from the Preventive Establishment	High School and Departmental tests.	Anglo-Indian
2 Mr V S Chinnaswami Iyengar, from 19th June 1927 .	Direct recruitment from registered candidates.	B A B L., Technical Chemist Served in the Industries Department as Business Manager of Glue Factory for five years	Hindu-Brahmin
3 Mr R W. Holland, from 15th July 1927	Promoted from the Preventive Establishment	S S L C, and Departmental tests	Anglo-Indian
1st April 1928 to 31st March 1929.			
Nil			
1st April 1929 to 31st March 1930			
4. Mr S. V Mani, from 4th November 1929	Direct recruitment post advertised	S S L.C Has special knowledge in piece-goods trade	Hindu Brahmin
1st April 1930 to date			
Nil			

TEMPORARY VACANCIES			
1st April 1927 to 31st March 1928			
Nil			
1st April 1928 to date			
1 Mr. S. V Mani, from 2nd April 1928 to 3rd November 1929	Direct recruitment post advertised	S S L C Has special knowledge in piece.goods trade.	Hindu-Brahmin.
(a) Mr K. Narayana Ayyar, from 6th November 1929	Promoted from the Ministerial Establishment	F A , and Departmental tests	Do
2 Mr M Ganesh Rao, from 4th August 1928	Direct recruitment from registered candidates	Chemistry M A Has served in Messrs Havero Trading Co 's laboratory in Bombay	Do.
3. Mr V K Duraiswami Iyengar, from 1st April 1930	Promoted from the Ministerial Establishment	Matric and Departmental tests	Do
4 Mr V. S Ramaswami Ayyangar, from 1st April 1930	Direct recruitment from registered candidates	B A , B L	Do

B

Statement showing particulars regarding officiating vacancies (i e, leave vacancies) in the Appraisers' Department from 1st April 1927 up-to-date

Year	No of officiating vacancies	Names of officiating people who were appointed		Remarks	
1927 28	8	1 Mr V S Chinnaswami Ayyangar, B A, B L	Brahmin		
		2 Mr Holland, S S L C	Anglo Indian	Brahmins	3
		3 Mr V K Doraiswami Ayyangar, Matriculation	Brahmin	Anglo-Indian	1
		4 Mr K Narayana Iyer, F A	Do	Muhammadan	1
		5 Mr Syed Abdul Ali	Muhammadan		5
1928 29	12	1 Syed Abdul Ali, F A	Muhammadan		
		2 V K Doraiswami Ayyangar, Matriculation	Brahmin		
		3 S V Mani, S S L C	Do	Brahmins	5
		4 Antoni Rajiah, Matriculation	Indian Christian	Muhammadans	2
		5 K Narayana Iyer, F A	Brahmin	Indian Christian	1
		6 Ganesh Rao M A	Do		8
		7 V S Ramaswami, B A, B L	Do		
		8 Abdul Rahim, Matriculation	Muhammadan		
1929 30	9	1 V S Ramaswami, B A, B L	Brahmin		
		2 V K Doraiswami Ayyangar, Matriculation	Do		
		3 Ganesh Rao, M A	Do	Brahmins	6
		4 S V Mani, S S L C	Do	Muhammadan	1
		5 K Narayana Iyer, F A	Do	Indian Christian	1
		6 Antoni Rajiah, Matriculation	Indian Christian		8
		7 Abdul Rahim, Matriculation	Muhammadan		
		8 K Viraraghava Iyer, S S L C	Brahmin		
1930-31 (April to June 1930)	2	1 K Viraraghava Iyer, S.S L C	Brahmin		

FORMATION OF INDIAN ARMOURED CAR COMPANIES

27. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to Government's reply to my unstarred question No 42, in the Legislative Assembly on the 20th January, 1930, regarding the formation of Indian armoured car companies, will Government please state if they have considered the question and arrived at a decision ?

(*b*) If so, will they please communicate their decision to the House ?

Mr G M Young (*a*) and (*b*) No decision has yet been reached.

EDUCATION OF THE CHILDREN OF RAILWAY EMPLOYEES

28 **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to Government reply to my unstarred question No 45 in the Legislative Assembly on the 20th January, 1930, regarding the education of the children of railway employees, will Government please state if they have examined the replies received by them from the various Railway Administrations and arrived at a decision ?

(*b*) If so, will they please communicate their decision to the House ?

Mr A A L Parsons . The replies from the various Railway Administrations and Local Governments have been examined and the question was discussed with the Central Advisory Council for Railways on the 5th of this month when the Council approved of Government's proposal to place an officer of the Education Department on special duty to frame reliable estimates of the cost of granting assistance to the employees, subject to certain limitations, for the education of their children pending the results of this investigation the principles of the policy enunciated in February, 1929, will be fully applied to all entrants to service after the 1st February, 1929, and to all others who elect for the privileges of these principles in lieu of the scale of assistance previously in force

RESTRICTION OF RECRUITMENT IN THE POSTAL DEPARTMENT, BOMBAY

29 **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to Government's reply to my unstarred question No 46 in the Legislative Assembly on the 20th January, 1930, regarding the restriction of recruitment in the Postal Department, Bombay, will Government please state if the Director General has since considered the matter and come to a decision ?

(*b*) If so, will they please communicate the decision arrived at to the House ?

Mr. H A Sams : (*a*) Yes

(*b*) It has been decided to remove the restriction and to allow recruitment for upper division clerkships in the Bombay Postal Circle and generally in other Circles also, to be made in future from men domiciled in the Postal Circle concerned The date of effect of the change will be notified in due course

CONSTRUCTION OF A RAILWAY BETWEEN HAZARIBAGH ROAD STATION AND HAZARIBAGH TOWN

30 **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to Government's reply to my unstarred question No 48 in the Legislative Assembly on the 20th January, 1930, regarding the results of the survey regarding the construction of a railway between Hazaribagh Road Station and Hazaribagh Town, will Government please state if they have since received the results of the survey ?

(*b*) If so, will they please state if they have considered them and arrived at a decision in the matter ?

(*c*) If so, will they please communicate the decision to the House ?

Mr A A L. Parsons : (*a*) Yes

(*b*) and (*c*) The survey report is under consideration at present. No decision has been arrived at

CONSTRUCTION OF THE CHAKIA-SUDHWALIA RAILWAY

31 **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to Government's reply to my unstarred question No 49 in the Legislative Assembly on the 20th January, 1930 regarding the construction of the Chakia-Sudhwalia Railway, will they please state if they have since considered the matter and arrived at a decision ?

(*b*) If so, will they please communicate their decision to the House ?

Mr. A. A L Parsons : (*a*) Yes

(*b*) The Chakia-Sudhwalia line is unremunerative and is not likely to be constructed at any rate in the near future

THE LUCKNOW-JAUNPORE RAILWAY

32 **Mr. Lal Narendra Pratap Sahi** (*a*) Are Government aware that the Lucknow-Jaunpore Railway line which is under construction is being laid with light rails ?

(*b*) In view of the importance of the line, are Government prepared to direct the railway authorities to lay the line with heavy rails to enable an express train service on the line ?

Mr A A L. Parsons : (*a*) and (*b*) The Lucknow-Sultanpur-Zafarabad (Jaunpore) Railway is being laid with 75 lb section rails which are standard for C class lines on the 5 ft—6 in gauge such as this These rails are sufficiently heavy to carry an express service should the traffic offering justify it

NUMBER OF PERSONS SENTENCED FOR CIVIL DISOBEDIENCE

33 **Mr. Lal Narendra Pratap Sahi** : (*a*) Will Government be pleased to lay a statement on the table showing the number of persons sentenced during the last four months for civil disobedience in the whole of India, province by province ?

The Honourable Mr. H. G Haig : I attach a statement which gives the figures in my possession from the 6th April to the 15th June, 1930

Statement showing number of convictions in connection with the Civil Disobedience Movement from the 6th April to 15th June 1930.

Madras	1,229
Bombay	761
Bengal	1,157
United Provinces	493
Punjab	68
Burma	—
Bihar and Orissa	483
Central Provinces	10
Assam	40
North West Frontier Province	91
Delhi	45
Coorg	—
	4,377

Rebate on Traffic to Afghanistan

34 **Rai Bahadur Lala Panna Lal** : (*a*) Will Government be pleased to state whether any rebate is allowed on traffic to Afghanistan when booked from Karachi to stations situated on the Nushki-Duzdap section of the North Western Railway ?

(*b*) Is any rebate allowed on traffic to Afghanistan when booked from the Punjab to Jamrud and Peshawar ?

(*c*) If the reply to part (*a*) be in the affirmative and to part (*b*) be in the negative, will Government please state the reasons for the same ?

(*d*) Is it a fact that a leading firm in the Punjab brought this matter to the notice of the North Western Railway Administration and that the latter replied that rebate is not admissible on traffic to Afghanistan booked to Jamrud or Peshawar ?

(*e*) Will Government please state what action they propose to take in the matter to see that preferential treatment is avoided ?

Mr. A. A. L. Parsons : (*a*) Yes

(*b*) No

(*c*) Rebates are being allowed on consignments carried *via* the Nushki-Duzdap Railway, a line over which little traffic moves, to foster trade with Persia and Western Afghanistan, the ordinary freight rates having proved to be prohibitive The conditions affecting traffic to Afghanistan *via* Peshawar are entirely different

(*d*) Government are not aware of this but the statement alleged to have been made by the Agent, North Western Railway, is correct

(*e*) Government do not propose to take any action in the matter as no undue preference is given

TRADE COMMISSIONERS SENT TO FOREIGN COUNTRIES.

35 **Rai Bahadur Lala Panna Lal** : (*a*) Will Government please state how many Trade Commissioners have been sent out this year to foreign countries, and how many do Government contemplate sending next year ?

(*b*) Will Government please state whether the Trade Commissioners sent to foreign countries include any nominated from the Punjab province ? If so, were they from the official class or from the businessmen class ?

(*c*) If reply to part (*b*) be in the negative, will Government please state why no fit person has been found in this province for the post ?

(*d*) Will Government please state the qualifications required for the post of a Trade Commissioner and will Government please state whether they are prepared to nominate some businessman from the Punjab ?

The Honourable Sir George Rainy : (*a*) No Indian Trade Commissioners have yet been appointed in foreign countries It is hoped to select two or possibly three candidates this year and to appoint them as Indian Trade Commissioners next year after they have undergone the necessary training

(*b*) and (*c*) Do not arise

(*d*) Different qualifications are required for different posts So far as appointment of non-officials are concerned, these will be made on the advice of the Public Service Commission, who will notify the qualifications required for each post as and when applications are invited by them It will be open to businessmen in the Punjab to apply to the Commission when that body calls for applications

SUNDAY AND HOLIDAY ALLOWANCES FOR POST OFFICE EMPLOYEES

36. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to Government's reply to my unstarred question No 51 in the Legislative Assembly on the 20th January, 1930, regarding the grant of Sunday and holiday allowances to Post Office employees, will Government please state if they have now reached a final decision in the matter ?

(*b*) If so will they please communicate their decision to the House ?

The Honourable Sir Joseph Bhore The Honourable Member's attention is invited to the reply just given to his unstarred question No 12.

APPOINTMENT OF INDIAN TRADE COMMISSIONERS IN EUROPE

37. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to Government's reply to my unstarred question No 54 in the Legislative Assembly on the 20th January, 1930, regarding the appointment of Indian Trade Commissioners at important trade centres in Europe, will the Government be pleased to state if they have reached a final decision in the matter ?

(*b*) If so, will they please communicate their decision to the House ?

The Honourable Sir George Rainy : (*a*) Yes

(*b*) The Government of India have decided to appoint two Indian Trade Commissioners in Europe, one at Hamburg and the other at Milan.

RECOMMENDATIONS OF THE INDIAN CINEMATOGRAPH COMMITTEE.

38. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to Government's reply to my unstarred question No 56 in the Legislative Assembly on the 20th January, 1930, will they please state if they have now reached a final conclusion on the principal recommendations of the Indian Cinematograph Committee ?

(*b*) If so, will they please communicate their conclusion to the House ?

The Honourable Mr H G Haig : The Government of India have not yet reached a final decision in regard to the two main recommendations of the Indian Cinematograph Committee, *viz*, the creation of a Central Cinema Bureau and the means suggested for improving the system of censorship at present in force The recommendation of the Committee for the grant of a rebate of customs duty on imported cinematograph films of a definitely educational character made in paragraph 158 of their report has been accepted in principle by the Government of India

ISSUE OF CHEAP RETURN TICKETS ON RAILWAYS

39 Khan Bahadur **Sarfaraz Hussain Khan** : (*a*) With reference to Government reply to my unstarred question No 70 in the Legislative Assembly on the 20th January, 1930, regarding the issue of cheap return tickets on railways, will Government be pleased to state if they have since examined the question ?

(*b*) If so, will they please communicate their decision to the House ?

Mr. A. A. L Parsons . (*a*) Yes

(*b*) Government are satisfied that the introduction of ordinary third and intermediate class return tickets at one and a half fares would lead to a very considerable loss of revenue and that such a course is not justified

DISPERSION WITH LATHIS OF NON-VIOLENT CITIZENS

40 **Mr. Lal Narendra Pratap Sahi** : (*a*) Will Government be pleased to state under the provisions of which Act or Ordinance the non-violent Satyagrahis or non-violent processions of citizens and Congressmen in general are dispersed by the police by means of lathi charges or by mounted police ?

(*b*) Have Government seen the recent declaration of Mr Deodhar of the Servants of India Society in the *Leader* to the effect that the dispersal of non-violent Satyagrahis by *lathi* and mounted police has caused considerable physical injury to the Satyagrahis of Dharasana ? If so, will Government be pleased to state whether the local authorities were duly empowered by any competent authority to inflict such bodily injury on non-violent Satyagrahis ?

(*c*) Will Government be pleased to state what action, if any, the police take or are required to take for the bare medical assistance of the wounded Satyagrahis ?

The Honourable Mr H. G Haig : (*a*) Action taken by the police to disperse processions or other assemblies has been under the provisions of Chapter IX of the Criminal Procedure Code

(*b*) I have seen the article I would invite the attention of the Honourable Member to the two communiqués issued by the Government of Bombay dated the 11th and 13th June, which deal with the allegations made The police proceeded to disperse the raiders after full and repeated warnings, and special steps were taken to see that the minimum of injury was inflicted

(*c*) In the case of civil disturbances it is the practice of the authorities to make what arrangements are possible in the circumstances for the medical assistance of the injured

TIME TEST FOR THE POSTAL DEPARTMENT

41 **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to Government's reply to my unstarred question No 64 in the Legislative Assembly on the 20th January, 1930, regarding the time test for the Postal Department, will Government please state if they have since considered the views submitted by the Director General and reached a final decision on the report ?

(*b*) If so, will they please communicate their decision to the House ?

The Honourable Sir Joseph Bhore : (*a*) Yes

(*b*) A copy of the orders of Government on Mr Bewoor's Report has been placed in the Library of the House

GRANT OF AN ALLOWANCE TO POSTMEN IN DELHI FOR THE DELIVERY OF FOREIGN MAILS

42 **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to Government's reply to my unstarred question No 65 in the meeting of the Legislative Assembly on the 20th January, 1930, regarding the grant of an allowance to postmen in Delhi for delivery of foreign mails, will Government please state if they have reached a decision in the matter ?

(*b*) If so, will they please communicate their decision to the House ?

Mr. H. A. Sams : (*a*) and (*b*) No decision has yet been reached

APPOINTMENT OF STAMP VENDORS

43. Khan Bahadur Sarfaraz **Hussain Khan** : (*a*) With reference to Government's reply to my unstarred question No 71 in the Legislative Assembly on the 20th January, 1930, regarding the appointment of stamp vendors, will Government please state if they have since reached a decision on the matter ?

(*b*) If so, will they please communicate their decision to the House ?

The Honourable Sir Joseph Bhore : (*a*) No decision has yet been reached

(*b*) Does not arise.

EDUCATION OF THE CHILDREN OF THE MIGRATORY STAFF OF THE GOVERNMENT OF INDIA

44 **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to Government's replies to my unstarred questions Nos 73 and 74 in the Legislative Assembly on the 20th January, 1930, regarding the education of the children of the migratory staff of the Government of India, will Government please state if they have since considered the questions and arrived at a decision in the matter ?

(*b*) If so, will they please communicate their decision to the House ?

Sir Frank Noyce . (*a*) and (*b*) The matter is still under consideration It is hoped that an early decision will be reached

PROFESSIONAL ACCOUNTANTS EMPLOYED BY THE INCOME TAX DEPARTMENT, BOMBAY

45. **Khan Bahadur Sarfaraz Hussain Khan** . (*a*) With reference to Government's reply to Mr N C Kelkar's unstarred question No 145 in the meeting of the Legislative Assembly on the 4th February, 1930, regarding the work of the professional accountants employed by the Income Tax Department, Bombay, will Government please state if they have received the report called for ?

(*b*) If so, will they please furnish the information asked for, to the House ?

The Honourable Sir George Schuster : (*a*) The information has already been communicated to Mr Kelkar

(*b*) A copy of the letter sent to him is laid on the table

A copy of letter D A Dis No 92 I T 30, dated the 13th March, 1930, from V S Sundaram, Esquire, Secretary, Central Board of Revenue, to N C Kelkar, Esquire, M L A

With reference to the reply given by the Hon'ble the Finance Member to parts (*a*) and (*c*) of your unstarred question No 145 in the Legislative Assembly on the 4th February 1930, I am directed to furnish the following information —

(*a*) There are about 26 public accountants, *i.e.*, persons qualified under sub section (1) of section 144 of the Indian Companies Act, 1913, to be appointed or to act as auditors of limited Companies and over 88 so-called Income tax Experts or agents, practising in the Income tax Department, Bombay The former in order to get their accountancy diploma have to pass examinations the preparation for which involves a study of Income tax Law It is obviously impossible to give any general answer as to the qualifications of the latter

No license is required in order to practise in the Income-tax Department

(*c*) No complaint against a public accountant as defined above has been received. As regards the Experts, a large number of complaints have been received, but as the law stands, no action could be taken against them, except prosecution where the circumstances warranted such a course. In two or three cases of fraud and attempted bribery such persons have been convicted by criminal courts

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LOSSES ON THE ASSAM BENGAL RAILWAY.

46. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to Government's reply to starred question No 289 in the meeting of the Legislative Assembly on the 11th February, 1930, regarding the losses of the

Assam Bengal Railway, will Government please state if they have obtained the information required from the Assam Bengal Railway ?

(*b*) If so, will they please communicate the information obtained to the House ?

Mr. A. A. L. Parsons : The Honourable Member is referred to the Railway Board's letter No 6249-F, dated the 21st June, 1930, a copy of which is available in the Library of the House

INTRODUCTION OF THE ELECTIVE ELEMENT IN CANTONMENT BOARDS

47. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to Government's reply to unstarred question No 168 in the Legislative Assembly on the 22nd February, 1930, regarding the introduction of the elective element in Cantonment Boards in the North West Frontier Province, will Government please state if they have reached a decision on the question ?

(*b*) If so, will they please communicate their decision to the House ?

Mr. G. M. Young : The matter is still under the consideration of Government.

COMPLAINT BY A MEMBER OF THE DEOLALI CANTONMENT BOARD

48 **Khan Bahadur Sarfaraz Hussain Khan** . (*a*) With reference to Government's reply to unstarred question No 169 in the meeting of the Legislative Assembly on the 22nd February, 1930, regarding the complaint by a member of the Deolali Cantonment Board, will Government please state if they have made inquiries into the complaint referred to ?

(*b*) If so, will they please communicate the result of their inquiries to the House ?

Mr. G. M. Young : (*a*) Yes

(*b*) A copy of my letter dated the 24th March, 1930, to Pandit Thakur Das Bhargava is in the Library

RESTRICTIONS ON THE USE OF THE MALL, KOHAT

49 **Khan Bahaadur Sarfaraz Hussain Khan** (*a*) With reference to Government's reply to unstarred question No 170 in the meeting of the Legislative Assembly on the 22nd February, 1930, regarding the restrictions on the use of the Mall, Kohat, will Government please state if they have finished their inquiries into the matter ?

(*b*) If so, will they please communicate the result of their inquiries to the House ?

Mr G. M. Young : The letters below refer to the paragraphs of the original question

(*a*) Yes

(*b*) Yes

The restrictions are contained in bye-law 7 (*b*) of the Kohat Cantonment bye-laws for the control of traffic as approved and confirmed by the Chief Commissioner, North-West Frontier Province and published

in the North West Frontier Province Notification No 948-L.F |E-XXI-L.-29, dated the 1st October, 1926 The bye-law came into force from 1st November, 1926 The restrictions have been imposed with a view to excluding undesirable characters

(*c*) No It is maintained as a military road by the Military Engineering Services

(*d*) No

(*e*) No

(*f*) No

(*g*) Does not arise, in view of reply to part (*f*)

(*h*) The matter is under the consideration of the Chief Commissioner, North West Frontier Province, who is competent to take action, if any is necessary, under the statutory powers conferred on him by section 284 of the Cantonments Act, 1924

RESUMPTION OF BAZAAR SITES IN CAWNPORE

50 **Khan Bahadur Sarfaraz Hussain Khan** (*a*) With reference to Government's reply to unstarred question No 172 in the meeting of the Legislative Assembly of the 22nd February, 1930, regarding resumption of bazaar sites in Cawnpore, will Government please state if they have since considered the matter ?

(*b*) If so, will they please communicate their decision to the House ?

Mr G M Young : Government propose to reconsider the resumptions and hope to arrive at a satisfactory settlement soon

DISCHARGE OF CANTONMENT FUND SERVANTS

51. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to Government's reply to unstarred question No 173 in the Legislative Assembly on the 22nd February, 1930, regarding the discharge of Cantonment Fund servants, will Government please state if they have considered the suggestion referred to in part (*b*) of the reply ?

(*b*) If so, will they please state what action they have taken or propose to take in the matter ?

Mr G M Young : (*a*) and (*b*) The suggestions are still under consideration

ABSENCE OF MR AUGIER FROM MEETINGS OF THE CANTONMENT BOARD, NEEMUCH.

52. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to Government's reply to unstarred question No 177 in the Legislative Assembly on the 22nd February, 1930, will they please state if they have finished their inquiries regarding the absence of Mr. Augier from meetings of the Cantonment Board, Neemuch, referred to therein ?

(*b*) If so, will they please inform the House of the result of their inquiries into the matter ?

Mr. G. M Young : (*a*) Yes.

(*b*) A statement is laid on the table.

Statement.

(*a*) Yes

(*b*) The statement is generally correct.

(*c*) The other elected members of the Cantonment Board did not approach the Hon'ble the Agent The All-India Cantonments Association approached him

(*d*) The attention of the Association was drawn to the fact that before the A G G could remove Mr Augier it was necessary under clause (*b*) of sub section (1) of section 34 of the Cantonments Act not only that Mr Augier should have been absent for more than 3 consecutive months, but also that he should have been unable to explain his absence to the satisfaction of the Board Actually a resolution proposing that the A G G should be requested to remove Mr Augier was rejected by the Board The rejection of this resolution was clearly tantamount to the acceptance by the Board of Mr Augier's explination of his absence, and it was therefore not within the competence of the A G G to remove him

(*e*) and (*f*) In a letter to the A G G the Association stated that " the opinions of the members of the Cantonment Board have absolutely no weight as the issue is a legal one and has to be decided under the law " Actually the only legal question which arose was whether the A G G was competent to remove Mr Augier in the face of the Board's rejection of the resolution proposing his removal, and this question was decided in the negative, not by the Board but by the A G G Government are satisfied that the A G G 's decision was correct and they do not propose to move further in the matter

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REPRESENTATION OF DR DESAI, A MEMBER OF THE DEOLALI CANTONMENT BOARD

53 **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to Government's reply to unstarred question No 178 in the Legislative Assembly on the 22nd February, 1930, will Government please state if they have completed their inquiries regarding the representation of Dr Desai, a member of the Deolali Cantonment Board, referred to therein ?

(*b*) If so, will they please communicate the result of their inquiries to the House ?

Mr. G M Young : (*a*) Yes

(*b*) A statement is laid on the table

Statement

(*a*) Yes

(*b*) The statement is generally correct

(*c*) The other elected members of the Cantonment Board did not approach the Hon'ble the Agent The All India Cantonments Association approached him

(*d*) The attention of the Association was drawn to the fact that before the A G G could remove Mr Augier it was necessary under clause (*b*) of sub section (1) of section 34 of the Cantonments Act not only that Mr Augier should have been absent for more than 3 consecutive months, but also that he should have been unable to explain his absence to the satisfaction of the Board Actually a resolution proposing that the A G G should be requested to remove Mr Augier was rejected by the Board The rejection of this resolution was clearly tantamount the acceptance by the Board of Mr Augier's explanation of his absence, and it was therefore not within the competence of the A G G. to remove him.

(*e*) and (*f*) In a letter to the A. G G the Association stated that " the opinions of the members of the Cantonment Board have absolutely no weight as the issue is a legal one and has to be decided under the law " Actually the only legal question which arose was whether the A G G was competent to remove Mr Augier in the face of the Board's rejection of the resolution proposing his removal, and this question was decided in the negative, not by the Board but by the A. G. G Government are satisfied that the A G G 's decision was correct and they do not propose to move further in the matter

EMPLOYMENT OF MR WEATHERAL BY THE EXECUTIVE OFFICER, AMBALA CANTONMENT

54 **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to Government's reply to unstarred question No 180 in the meeting of the Legislative Assembly on the 22nd February, 1930, regarding the employment of Mr Weatheral by the Executive Officer, Ambala Cantonment, will Government please state if they have finished their inquiries in the matter ?

(*b*) If so, will they please communicate the result of their inquiries to the House ?

Mr G M. Young . (*a*) Yes

(*b*) A copy of my letter, dated the 14th April, 1930, to Pandit Thakur Das Bhargava is in the Library

SANCTION TO THE RE-ERECTION OF AN OLD BUILDING BY THE EXECUTIVE OFFICER, AMBALA CANTONMENT

55 **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to Government's reply to unstarred question No 181 in the Legislative Assembly on the 22nd February, 1930, regarding the sanction to the re-erection of an old building by the Executive Officer, Ambala Cantonment, will Government please state if they have made inquiries into the matter ?

(*b*) If so, will they please communicate the result of their inquiries to the House ?

Mr G M Young . (*a*) Yes

(*b*) A copy of my letter dated the 17th March, 1930, to Pandit Thakur Das Bhargava has been placed in the Library

SELECTION OF CANDIDATES FOR THE INDIAN CIVIL SERVICE FROM BURMA

56 **U Dwe** : (*a*) Will Government be pleased to state the number of candidates who appeared from the Burma Centre for the Indian Civil Service examination in January, 1930, and how many were selected ?

(*b*) Are Government aware that the minimum for a pass has been raised from 550 marks in previous years to 750 marks in 1930 ? If so, what are the reasons ?

(*c*) Are Government aware that the Burma candidates were not notified at all about the raising of the standard for a pass ?

(*d*) Will Government be pleased to state whether they are prepared to maintain the pass minimum of 1929 for Burma candidates who appeared in the 1930 examination ?

(*e*) Will Government be pleased to state whether, for the Indian Civil Service in Burma, they propose to nominate the candidates according to their order of merit, irrespective of the fact that they have failed to secure the pass minimum ?

The Honourable Mr H. G. Haig : (*a*) 16 candidates appeared for the examination. None were selected

(*b*) The qualifying mark was raised from 550 to 750 in order to secure a higher standard of intellectual attainments among successful candidates

(*c*) Yes

(*d*) No.

(*e*) This is not possible in view of the second footnote to rule 23 of the rules and instructions for the I C S examination held in India this year, which were published with the Home Department Notification No F 281|27-Ests, dated the 1st August, 1929 It was there definitely stated that no appointments would be made by nomination in the case of Burma

COMPLICATED INCOME-TAX RETURNS

57 **Rai Bahadur Lala Panna Lal** . (*a*) Has it been represented to Government that the returns prescribed under the Income-Tax Act to be filled up by the assessees are very complicated and cannot be properly filled up by an average assessee ?

(*b*) Have Government issued any instructions to Income-Tax Officers to render help to assessees in filling up the returns ? If so, in what form is this help being rendered ?

(*c*) If no instructions have been issued, do Government propose to do so now by directing Income-Tax Officers to accept the material supplied by an assessee and to advise him as to the assessable income that should be filled up in the returns as the result of the examination of that material by the Income Tax Officer ?

The Honourable Sir George Schuster : (*a*) The Government do not consider that the returns can fairly be described as very complicated, but no doubt a considerable number of assessees may find them so

(*b*) The Central Board of Revenue have issued instructions in paragraph 67 of the Income-tax Manual that Income-tax Officials should assist assessees who find any difficulty in filling up the returns The Member, Central Board of Revenue, has also repeated these instructions in the course of his tours The Government see no reason to believe that they are not being generally observed

(*c*) Does not arise The Government see no necessity to issue any further instructions on the subject

HARDSHIP OF BUSINESS MEN MAKING INCOME-TAX RETURNS.

58 **Rai Bahadur Lala Panna Lal** : (*a*) Are Government aware that in every business, some expense is incurred, of which it is not in the interest of business to give details or to make a record ?

(*b*) Is it a fact that Income-Tax Officers do not accept the above expenditure as a valid deduction from income owing to the details thereof having not been given ?

(*c*) Are Government aware that the above practice is very adversely affecting the interests of business ?

(*d*) What do Government propose to do to remove this hardship to business men ?

(*e*) Do Government propose to fix a certain percentage of income to be considered as *bona fide* expenditure under this head on an assessee's filing an affidavit as to the expenditure having actually been incurred in the interests of business ?

The Honourable Sir George Schuster : (*a*) Government are not prepared to accept this general statement

(*b*) It is necessary in order to ensure accurate assessment that evidence of expenditure should be produced

(*c*) The Government see no reason to suppose that the answer to this question is in the affirmative

(*d*) The Government do not admit that any hardship is caused to honest business men by the refusal to admit claims to deductions of which the validity is not proved

(*e*) The Government have no intention of taking any such action They consider that if such a course were taken, there would be a grave risk of penalising the general tax payer and the scrupulous assessee for the benefit of the less scrupulous assessee

DETERMINATION OF ASSESSABLE INCOME

59 **Rai Bahadur Lala Panna Lal :** (*a*) Are Government aware that under the existing Income-Tax Act even the income-tax paid in a year is not deducted from the assessable income of that year ?

(*b*) Will the Government state on what principle is this *bona fide* expenditure not recognised ?

(*c*) Are Government aware that much heart-burning has been caused by this method of determining assessable income ?

(*d*) Do Government intend to do anything in the direction of removing this disability of the assessees ?

The Honourable Sir George Schuster : (*a*) Yes

(*b*) Because the generally recognised principle in assessing income-tax is to allow as a deduction from the income to be assessed only expenditure incurred in order to earn such income, and a tax based on and paid out of such income is not an item of such expenditure

(*c*) The Government are not aware of any such fact

(*d*) No

DETERMINATION OF THE PROFITS OF PETTY TRADERS FOR INCOME-TAX PURPOSES.

60 **Rai Bahadur Lala Panna Lal :** (*a*) Are Government aware that a large number of petty traders and contractors have neither the necessity nor the means of keeping accounts according to the system acceptable to Income-Tax Officers ?

(*b*) Is it a fact that in all those cases the Income-Tax Officers apply an arbitrary flat-rate of profit to determine the assessable income ?

(*c*) Are Government aware that owing to the arbitrary application of flat-rate of profit, there is great discontentment among the petty traders, affected thereby ?

(*d*) Is it a fact that suggestions have been made to the Government to have a Standing Advisory Committee of businessmen formed at every place to advise the Income-Tax Officer in the determination of flat-rate of profit ?

(*e*) Do Government propose to carry out the above suggestion, if not, how do Government propose to ensure that the flat-rate of profit so arrived at, is not unduly excessive ?

The Honourable Sir George Schuster . (*a*) Considerable latitude is allowed in the matter of accounts and paragraph 37 of the Income-tax Manual reads as follows

"No uniform method of accounting is prescribed for all taxpayers, and every taxpayer may so far as possible adopt such form and system of accounting as is best suited for his purposes"

It is thought that this allows reasonable latitude, for all that is required is a form of account from which the income-tax can be computed If an assessee is liable to income-tax it is in his own interest that he should keep an account in such a form

(*b*) Where there are no proper materials for computing the assessable income, flat rates of profit are applied to the turnover, if it is known or can be estimated This is done as affording the last means of getting at a reasonable estimate

(*c*) The Government do not admit that the rates applied are arbitrary In a large proportion of cases, at all events, if the assessee is dissatisfied with the results of the flat rate system of assessment the remedy—namely, maintenance of proper accounts—is in his own hands. The aim of the Income-tax Department is to secure correct assessments

(*d*) No such suggestions can be traced The Income-tax Department will always welcome the assistance of accredited bodies, representative of different trades, in fixing the flat rates But they would much prefer not to be driven to the necessity of assessing on flat rates at all

(*e*) The Government do not propose to take any action in the matter Any representations on such subjects made to the Central Board of Revenue have always received, and will continue to receive, full consideration

SETTING OFF OF LOSSES AGAINST PROFITS FOR INCOME-TAX PURPOSES

61. **Rai Bahadur Lala Panna Lal** : (*a*) Is it a fact that, under the existing Income-tax Act, loss in a business is set off against income only in the year in which that loss occurs, even if the amount of loss is considerably in excess of the income of the year ?

(*b*) Is it a fact that several Indian Chambers of Commerce have protested against the above system and have urged the setting off of the whole loss even if this process extends to the years succeeding the one in which the loss has occurred ?

(*c*) What action have Government taken on this protest ?

(*d*) Do Government propose to so alter the law that a business loss is set off against assessable income till the whole amount of the loss is thus accounted for ?

The Honourable Sir George Schuster : (*a*) Yes

(*b*) Yes

(*c*) and (*d*). The Honourable Member's attention is drawn to the promise that I gave in this House on 22nd March last, that as soon as I was convinced that the Revenue position would stand it, I would make a start with the introduction of the principle of carrying forward losses, and that orders had already been issued for the collection of statistics to enable me to gauge the financial effect of doing so The first instalment of those statistics should be received shortly, but the principle of carrying forward losses can only be introduced at earliest with effect from the beginning of the next financial year, and then only if our resources permit of our introducing it

DISABILITIES OF BUSINESS MEN UNDER THE INCOME-TAX ACT

62 **Rai Bahadur Lala Panna Lal** : (*a*) Have Government received representations from the various Indian Chambers of Commerce to the effect that the rates of income-tax as now existing and the system of determining assessable income by disallowing many legitimate deductions constitute a great hinderance to the progress of trade and industry in India ?

(*b*) Do Government propose under the circumstances to appoint a special committee to inquire into the disabilities of business men and industrialists under the present Act and to amend the Act with a view to remove those disabilities ?

The Honourable Sir George Schuster : (*a*) It is difficult for me to answer a question so generally expressed The Government have from time to time received representations in regard to various details concerning the computation of assessable income, and have always given—as they will continue to give—such representations their careful consideration

The Government have no reason to believe that the rates of income-tax hinder the progress of trade and industry in India Nor have they any reason to believe that any legitimate deductions are disallowed

(*b*) The Government have no such intention

REPRESENTATION OF THE ALL-INDIA CANTONMENTS' ASSOCIATION AT THE ROUND TABLE CONFERENCE

63 **Rai Bahadur Lala Panna Lal** : (*a*) Is it a fact that the All-India Cantonments Association has approached the Government for representation in the forthcoming Round Table Conference ?

(*b*) Will Government be pleased to state if any decision has been arrived at in the matter and communicated to the All-India Cantonments' Association ? If not, do Government propose to favourably consider this representation ?

(*c*) Are Government aware that there are about a million civilian residents in Cantonments of India who are governed by a special law

and the house owners class among whom has enormous interests vested in the Cantonment property ?

The Honourable Mr. H. G. Haig : (*a*) Yes

(*b*) As regards representation at the Round Table Conference I can add nothing to His Excellency's statement of the 31st October last and his letter to the Prime Minister which was published on the 13th May, 1930

(*c*) The Civilian population of the cantonments in India, who are probably nearly a million in number, as stated, are subject to a municipal law which differs from the ordinary municipal law to such extent only as is necessary to provide for the health and well being of the troops, for whom the cantonments primarily exist There is also a special Act regulating the occupation of certain houses in cantonments by military officers

RAILWAY PASSES ISSUED TO SUBORDINATE RAILWAY EMPLOYEES

64 **Rai Bahadur Lala Panna Lal** . (*a*) Is it a fact that passes to railway employees drawing Rs 75 or less are not issued for foreign lines beyond a certain distance ?

(*b*) Are Government aware that the vast majority of railway subordinates belong to this grade and that the present restriction is causing great hardship to them ?

(*c*) Is it a fact that representation has been made by the railway employees to redress certain grievances in connection with issuing of passes ?

(*d*) Do Government propose under the circumstances to remove the above restriction ?

Mr. A. A L Parsons : (*a*) Over the Madras and Southern Mahratta, the Bengal Nagpur and the East Indian Railways free passes for employees of foreign railways who draw, in the case of subordinate staff, not less than Rs 40 and not more than Rs 75, and in the case of clerical staff not more than Rs 75, are limited to a maximum distance of 300 miles over each of these Railways For the distances in excess of 300 miles over these Railways fares are charged at one-third of the public rate.

(*b*) Government are not aware of the percentage which this class of railway subordinate staff bears to the total, but they undoubtedly represent a considerable proportion Government are not aware that this restriction is a cause of great hardship to the staff in question

(*c*) Yes

(*d*) I may explain for the information of the Honourable Member that the restriction to 300 miles on these three Railways of the concession of free passes to employees of foreign railways is due to the fact that the three Railways in question have on their systems a very large number of pilgrim centres and that holders of these passes travel more over these Railways than over other systems The Agents of these Railways consider that the grant of such passes for unrestricted distances over their lines would constitute an unduly excessive privilege

This is a matter within the decision of Agents and Government do not propose to take action further than to send a copy of the Honourable Member's question and of my reply to the Agents

REFUND OF RAILWAY FREIGHT OVERCHARGED.

65 **Rai Bahadur Lala Panna Lal** : (*a*) Is it a fact that in Railway Administrations in India when overcharge in freight is made owing to wrong classification of goods or to excess weight, the refund thereof is granted after much delay, on a reference to the Commercial Manager ?

(*b*) Is it a fact that in case of under-charge of freight any reason whatsoever, a memo is sent by the Audit Officer and the under-charge is realised directly from the person concerned by the railway subordinate ?

(*c*) Will Government explain why an overcharge is not similarly pointed out by the Audit Officer and paid to the person concerned without his making any application for the same ?

(*d*) Are Government aware that the public are experiencing great trouble and loss owing to their lack of information of the present system of getting refunds and the difficulties involved in getting the same ?

(*e*) What is the liability under the existing system of the railway subordinate who is responsible for the under-charge ?

(*f*) Does a similar responsibility exist in case of overcharge ? If not, why not ?

(*g*) Do Government propose to introduce some definite system which may ensure the refund of overcharge freight automatically without the person concerned having to move in the matter ?

Mr A A L Parsons (*a*) Yes, except that Government are not aware that there is much delay in granting these refunds

(*b*) Undercharges discovered are debited to the staff responsible Government are not aware to what extent the subordinate staff recover the amount of the undercharge from the consignor or consignee

(*c*) The Accounts Office is required to bring to the notice of the Traffic Officer concerned overcharges of not less than Rs 5 and the Traffic Officer then arranges refunds after ascertaining the name of the party legally entitled to such refunds

(*d*) No

(*e*) He is liable to make good the full amount of the undercharge

(*f*) No The conditions under which recoveries on account of undercharges are made differ materially from those applying to refunds of overcharges The second part of this question does not arise

(*g*) In view of the answer to part (*c*) of the question, this question does not arise

PROVISION OF ADVISORY BOARDS FOR RAILWAYS

66. **Rai Bahadur Lala Panna Lal** : (*a*) What is the existing arrangement for the provision of an Advisory Board in Railways in India ?

(*b*) What is the constitution of these Boards and how have they worked since their creation ?

(*c*) What is the representation of the commercial and industrial classes on those Boards ?

(*d*) Are Government prepared to consider the desirability of creating an Advisory Board in every division of railway, in case it has proved useful, where t exists at present ?

Mr A. A. L Parsons . (*a*) An Advisory Committee has been constituted for each of the 13 Class I Railways in India, with the exception of the Jodhpur Railway and also for the Barsi Light Railway On six of these Railways, there are, in addition to the main Advisory Committee, one or, in some cases, two branch Advisory Committees

(*b*) and (*c*) Regarding the constitution of these Committees and the extent of representation of commercial and industrial classes thereon I would refer the Honourable Member to the memorandum regarding Railway Local Advisory Committees, a copy of which was laid on the table in Delhi when a reply was given to Mr B S Kamat's question No. 376 on the 19th February, 1923 The existing Committees have been constituted in accordance with the general principles detailed therein with such minor modifications as have seemed desirable under differing local conditions These Committees have proved of considerable advantage both to the public and to railways since their creation For particulars as to their working during the financial year of 1928-29, I would refer the Honourable Member to paragraph 17 of Vol I of the Report by the Railway Board on Indian Railways for 1928-29, a copy of which is in the Library of the House

(*d*) No Branch Committees have been constituted where considered desirable and this practice will be extended if and as required

OVERCROWDING OF THIRD CLASS RAILWAY CARRIAGES

67 **Rai Bahadur Lala Panna Lal** : (*a*) Are Government aware that there is still a good deal of overcrowding in third class carriages on all lines, especially on the North Western Railway ?

(*b*) Do Government propose to issue instructions to the railway officer concerned that the number of passengers actually seated in a compartment should not exceed the maximum number permitted to be accommodated in that compartment ?

(*c*) Do any arrangements exist at present for *duplicate trains* at important stations to convey passengers left behind ? If so, where ? If not do Government propose to consider the desirability of arranging *duplicate trains* at times of need when there is rush of traffic ?

(*d*) Is there any proposal of providing fans in intermediate class and third class carriages in the summer season ? If so, when is this reform likely to take effect ?

Mr A. A L. Parsons : (*a*) I would refer the Honourable Member in this connection to my reply in Delhi to parts (*b*), (*c*) and (*f*) of Mr. Lalchand Navalrai's question No. 138 on the 21st January, 1930

(*b*) Government is aware that Railway Administrations are giving constant attention to the question of overcrowding and do not consider that the issue of instructions is called for at this stage

(*c*) An arrangement for running duplicate trains is not normally feasible Information as to the number of passengers intending to entrain is not available beforehand, and it is not known whether the number of passengers for whom it will not be possible to find accommodation

in the regular service will be adequate to justify the running of an unscheduled train.

(*d*) Government have had the matter referred to in the first part of the question under consideration, but do not propose to take any action, at any rate at present The second part of the question does not therefore arise

APPOINTMENT OF SIKHS AS INCOME-TAX OFFICERS

68 **Sardar Gulab Singh** : (*a*) Will Government be pleased to state the total number of Income-Tax Officers and Assistant Income-Tax Officers working at present in the Punjab, North West Frontier and Delhi Provinces ?

(*b*) Is it a fact that Sikhs are insufficiently represented in this cadre, according to the recognised percentage ?

(*c*) If the reply to part (*b*) is in the affirmative, do Government propose to appoint some Sikhs to make up this deficiency ?

(*d*) Are Government aware of the fact that Jat zamindar Sikhs are insufficiently represented in particular ?

The Honourable Sir George Schuster : (*a*), (*b*), (*c*) and (*d*) I have called for the information that the Honourable Member desires and will communicate it to him when I have received it

TENDERS FOR THE SUPPLY OF RAILWAY STORES

69 **Rai Bahadur Lala Panna Lal** . (*a*) Is it a fact that in getting supplies of railway stores for State-owned railways, tenders are issued to contractors who are not the manufacturers of the goods required ?

(*b*) Is it a fact that the Indian Stores Department has in case of the supply of cloth decided to issue tenders only to textile manufacturers and not to general contractors ?

(*c*) If the answer to part (*b*) be in the affirmative, why is not the same system followed in State-owned railways ?

(*d*) Do Government propose to lay down as a principle that where the goods required are manufactured in India, tenders for their supplies will be issued only to the manufacturers ?

(*e*) Is it a fact that there are several glass manufacturing factories in India ? Do Government propose to follow the above principle in the case of glassware supplies to State-owned railways ?

Mr. A. A. L Parsons : (*a*) Invitations to tender are issued to firms who are registered on the list of approved contractors for the particular classes of stores required The placing of the contract depends on the quality, price and delivery terms offered In the case of articles manufactured in India, contracts are invariably placed with manufacturers, provided that their rates are competitive and quality acceptable, but occasionally these contracts are secured by accredited selling agents of manufacturers or distributors.

(*b*) The answer is in the negative

(*c*) Does not arise.

(*d*) No.

(*e*) Part (*i*), Yes Part (*ii*) The principles stated in reply to part (*a*) of the question are and will continue to be followed in respect of supplies of glassware, as in respect of other classes of stores

ADVANCEMENT OF THE GLASS INDUSTRY IN INDIA

70 **Rai Bahadur Lala Panna Lal** : (*a*) Have Government received a representation from the All-India Glass Manufacturers' Association suggesting certain measures for the advancement of the glass industry in India ?

(*b*) If so what were the measures suggested and what action have Government taken thereon up to this time ?

(*c*) If no action has been taken so far, do Government propose to take any action ? If so, what and when ?

The Honourable Sir George Rainy : (*a*) Yes

(*b*) The Association asked for tariff protection to the Glass industry, removal of the import duty on Soda Ash and a reduction of railway rates

(*c*) After examining the application Government informed the Association that they did not find a *primâ facie* case for referring to the Tariff Board the question of protection that they could not hold out any immediate hope of a reduction in the import duty on Soda Ash, but that the matter would be considered in connection with other proposals for the reduction of duties on raw materials, and that, as regards a reduction in railway rates, the Association should address the railways concerned direct

Several further representations have subsequently been received and additional figures supplied These have been carefully examined and Government hope shortly to be in a position to decide whether the question of portection to this industry shall be referred to the Tariff Board

APPOINTMENTS AND PROMOTIONS ON THE EASTERN BENGAL RAILWAY

71 **Rai Bahadur Lala Panna Lal** : (*a*) Will Government be pleased to state how many appointments in the Traffic Department carrying a salary exceeding Rs 150 *per mensem* have been made since 1924 in the Eastern Bengal Railway ?

(*b*) How many of the above appointments have gone to *new men* ? What are their qualifications and what procedure was adopted in their selection "

(*c*) What are the rules affecting the prospects of a railway employee working on the maximum pay of his post for some years ?

(*d*) Is there any system under which a railway employee working on the maximum salary of a post in a certain Department for some years and having no opening for promotion in that Branch, can be transferred to some other railway branch ? If so, what is hat system and are there any rules governing it ?

Mr. A. A L Parsons : (*a*) and (*b*) I have called for the information from the Agent, Eastern Bengal Railway, and will communicate with the Honourable Member on its receipt.

(*c*) If the employee has been on the same rate of pay for five years or more, is qualified for promotion and has rendered exceptionally good work, the question of granting him a personal allowance is considered

(*d*) No rules have been prescribed, but there is no bar to all employees in one department of a railway being considered for an appointment in another Department for which he is qualified

RECOMMENDATIONS OF THE TARIFF COMMITTEE

72 **Rai Bahadur Lala Panna Lal** . (*a*) Will Government be pleased to state if all the recommendations of the Tariff Committee have been carried out ?

(*b*) If not, to which of the recommendations has effect been given so far and how do Government propose to deal with the rest ?

(*c*) Will Government lay on the table a statement giving the above information in detail ?

The Honourable Sir George Rainy : (*a*) The Government have not appointed any Tariff Committee for the revision of the tariff

(*b*) and (*c*) Do not arise

APPOINTMENT OF INDIANS AS ASSISTANT STOREKEEPERS IN ARSENALS

73 **Rai Bahadur Lala Panna Lal** : (*a*) Did the Government of India in recent years inaugurate a scheme for the employment of Assistant Storekeepers in various Arsenals in India as a part of the Indianisation scheme ?

(*b*) If so, when was that scheme carried into effect ?

(*c*) How many Indian Assistant Storekeepers have been employed since then ?

(*d*) Is any waiting list of selected candidates kept in the Ordnance Office ? If so how many candidates are on the waiting list ? Does it contain candidates selected in 1928 ? How many of them have been appointed and how many are still on the waiting list and what are their prospects of employment ?

(*e*) Have any appointments been made of men not on the waiting list ? If so, will Government please state the number of such appointments made and the reasons for doing so ?

(*f*) What action do Government propose to take to expedite the Indianisation of the above scheme according to the assurances held out at the time of the inauguration of the scheme ?

Mr. G M. Young : (*a*) Yes

(*b*) In April 1928 as a permanent measure.

(*c*) 21, of whom 6 have been transferred to the Provision Section of Army Headquarters in place of British soldiers. The remaining 15 are employed in Arsenals

(*d*) A waiting list is maintained at Army Headquarters ; there are 14 candidates on the list, none of whom were selected for inclusion before 1929. The 15 assistant storekeepers now employed in arsenals were selected in 1928

Under the terms of the scheme, one civilian assistant storekeeper is appointed in every fourth vacancy caused by the transfer of a British soldier. The rate of recruitment therefore depends on the number of such vacancies, but it is anticipated that the 14 men now on the waiting list will be employed within two years

(*e*) One candidate not on the waiting list was appointed in April 1929 The waiting list is merely a register of suitable candidates and when a vacancy occurs, the appointing officer may select the most suitable person known to him whether his name is on the list or not

(*f*) Government will not be in a position to increase the rate of Indianisation authorised until further experience has been gained, and it has been ascertained how the Assistant Storekeepers will fare in the duties as storekeepers in charge of quantities of technical stores

SAFEGUARDING OF THE INTERESTS OF INDIAN APPRENTICES IN THE KHARAGPUR RAILWAY WORKSHOPS

74. **Mr. S C. Mitra** : (*a*) With reference to their answers to my starred questions in the Legislative Assembly No 644 (*b*) and (*c*), dated the 18th September, 1929, will Government be pleased to state what stability and security there are for the retention and training of the Indian and particularly of the Grade " A " apprentices in the Kharagpur Railway Workshops ?

(*b*) Are Government aware that in the Kharagpur Railway Workshops the Indian and the Grade " A " apprentices in particular, are discharged for mere reason of " unsatisfactory work " even after their confirmations on satisfactory reports and retention for two or three years and more ?

(*c*) How many similar cases occurred with the Anglo-Indian and European apprentices in the Kharagpur Railway Workshops and have they been discharged on like ground, *viz*, " Unsatisfactory work " and after their confirmations and retention for more than two years, three years and three and half years ? Will Government please furnish this House with a statement of those cases with full particulars ?

(*d*) Do Government propose to adopt protective measures to safeguard the interests of the Indian and particularly of the Grade " A " apprentices in the Kharagpur Railway Workshops and to save them from being discharged without giving them sufficient fair trials ?

(*e*) Are the Indian and the Grade " A " apprentices in particular given all sorts of facilities and all round fair trials in all the Departments and their respective branches or shops in the Railway Workshops at Kharagpur before their work is declared to be " unsuitable " and " unsatisfactory " and prior to their discharge on those grounds ? If not, why not ?

Mr A. A. L. Parsons : (*a*) There is no obligation on the part of the Railway Administration to guarantee employment to apprentices of

any class after completion of their training In actual practice, however, apprentices of all classes are retained by the Bengal Nagpur Railway as Improvers provided they have completed their apprenticeship period satisfactorily

(*b*) Apprentices whether Indians, Europeans or Anglo-Indians are discharged for unsatisfactory work at any stage of their apprenticeship

(*c*) A statement giving the information asked for has been placed in the Library.

(*d*) and (*e*). Every reasonable consideration is given to Apprentices of all communities and no one is discharged without a fair trial and good reasons

RACIAL DISCRIMINATION IN THE ISSUE OF PASSES ON THE BENGAL NAGPUR RAILWAY

75. **Mr. S. C. Mitra** : (*a*) With reference to their answers to my starred questions in the Legislative Assembly No 693 (*a*) and (*b*), dated the 21st March, 1930, will Government be pleased to state whether it is a fact that in the matter of " free privilege passes and tickets at concession rates " the Anglo-Indian and European apprentices in the Kharagpur Railway Workshops are allowed " *Inter class* passes and tickets at concession rates " from the second year of their course of apprenticeship , but the Indian apprentices and particularly the Grade " A " apprentices in the same workshops are forced to remain satisfied throughout the period of their apprenticeship, with the " *Third class* free privilege passes and tickets at concession rates " ?

(*b*) If the reply to part (*a*) above is in the affirmative, will Government be pleased to explain whether there are particular reasons for this differential treatment, and if not, what steps they propose to take in order to do away with the racial discrimination in the Bengal Nagpur Railway ?

(*c*) Are Government prepared to instruct the Bengal Nagpur Railway to maintain a uniform system of treatment in the matter of awards of all concessions and privileges to all their apprentices irrespective of their caste, colour or creed ? If not, why not ?

Mr A A L Parsons : (*a*) The Honourable Member's attention is invited to my reply in Delhi to part (*b*) of his question No 693 of the 21st March, 1930

(*b*) Does not arise

(*c*) The Honourable Member's attention is invited to paragraph 2 of Railway Board's letter No 7887-E , dated 28th June, 1930, in answer to his question No 765 of the 22nd March, 1930

PAY AND ACCOMMODATION OF INDIAN APPRENTICES AT THE KHARAGPUR RAILWAY WORKSHOPS.

76. **Mr. S. C. Mitra** : (*a*) Will Government please state whether it is a fact that in the Railway Board's letter to the Agent, East Indian Railway, No. 3224-E., dated the 20th July, 1926, it has been clearly decided that " where hostels are provided, all apprentices irrespective of caste, colour or creed should be housed, and fed free and granted an equal

stipend , but where *no hostels* are provided they should be granted pay including stipends and board allowance at a uniform rate " ?

(*b*) If the reply to part (*a*) above is in the affirmative, will Government please state whether the orders referred to in part (*a*) above were communicated to all the Railways in India, including the Bengal Nagpur Railway and were their attentions invited to the Railway Board's decisions, as contained in those orders ? If not, why not ?

(*c*) Is it a fact that the Railway Board's decisions and orders referred to in parts (*a*) and (*b*) above are not being observed by the authorities of the Bengal Nagpur Railway in the cases of their Indian and particularly of their " A " Grade apprentices in the Kharagpur Railway Workshops ? If so, why ?

(*d*) Do Government propose to take steps to have those concessions and allowances, as are given to the apprentices in the East Indian Railway Workshops extended to the apprentices in the Bengal Nagpur Railway with retrospective effect, *viz*, from 20th July 1926, the date of the Railway Board's orders ? If not, why not ?

(*e*) Will Government please place on the table a copy of the Railway Board's letter to the Agent, East Indian Railway, No 3224-E, dated the 20th July, 1926 and the enclosures, thereto, if any ?

Mr. A. A L. Parsons : (*a*), (*b*) and (*c*) Yes. The orders of the Railway Board are not binding on the Bengal Nagpur Railway

(*d*) No The Honourable Member's attention is invited to paragraph 2 of Railway Board's letter No 7887-E, dated the 28th June, 1930, in reply to his question No 765 of the 22nd March, 1930, in which it is stated that the Agent, Bengal Nagpur Railway, reports that all distinctions in the rules in practice applying to European and Indian Apprentices will be removed when the revised scheme for the training of workshop apprentices, which is under preparation, is given effect to

(*e*) A copy of the letter has been placed in the Library

GRIEVANCES OF "A" GRADE APPRENTICES AT THE KHARAGPUR RAILWAY WORKSHOPS

77. **Mr. S. C. Mitra** : (*a*) With reference to the un-answered portion of my starred question in the Legislative Assembly No 644 (*f*), dated the 18th Septemper, 1929, will Government please state whether it is a fact that a joint representation was made by the " A " Grade apprentices in the Kharagpur Railway Workshops, to the Chief Mechanical Engineer, Bengal Nagpur Railway, at Kharagpur, praying for the redress of their several long felt grievances ? If so, when was this representation made and what steps have been taken by the Railway authorities to redress their grievances mentioned therein ?

(*b*) Will Government please state how many of their grievances have been redressed so far ?

Mr A. A L. Parsons : (*a*) and (*b*). The Honourable Member's attention is invited to Railway Board's letter No 7887-E, dated the 4th December, 1929, which contains a full reply to question No 644 of the 18th September, 1929. A reference has been made to the Agent, Bengal Nagpur

Railway, calling for information asked for by the Honourable Member in his question. I will communicate with him on receipt of a reply.

GRIEVANCES OF 'A" GRADE APPRENTICES AT THE KHARAGPUR RAILWAY WORKSHOPS

78. **Mr S C. Mitra** . (*a*) Is it a fact that in the matter of leave the "A" Grade apprentices in the Kharagpur Railway Workshops are not treated similarly with the monthly rated staff and they are not granted sick leave with pay for two months as applicable to the other staff on the Railway ? If so, will Government please state what are the reasons for this differential treatment ?

(*b*) Do Government propose to instruct the Railways to stop this unequal treatment to their Grade "A" apprentices in particular ? If not, why not ?

Mr A A L Parsons (*a*) and (*b*) I have called for information from the Agent, Bengal Nagpur Railway, and will communicate with the Honourable Member on its receipt.

GRIEVANCES OF APPRENTICES AT THE KHARAGPUR RAILWAY WORKSHOPS

79. **Mr. S. C. Mitra** : (*a*) Is it a fact that the Indian and particularly the Grade "A" apprentices in the Kharagpur Railway Workshops, are not permitted to have a recognised trade union of their own ?

(*b*) Are Government prepared to instruct the authorities of the Bengal Nagpur Railway to permit the formation of such an Association ? If not, why not ?

Mr. A. A. L. Parsons (*a*) Government have no information

(*b*) No The Railway Board do not propose to interfere with the discretion of the Agent, Bengal Nagpur Railway, in this matter.

TRAINING OF APPRENTICES AT THE KHARAGPUR RAILWAY WORKSHOPS

80 **Mr S. C. Mitra** : (*a*) Have Government received the informations from the Agent, Bengal Nagpur Railway, asked for in my starred questions in the Legislative Assembly Nos. 541, 542, 546 and 543, dated 12th March, 1930, and that of 690 (second part of the question) and 691 and 692, dated 21st March, 1930, and of 765, dated 22nd and 876, 877 and 879, dated 28th March, 1930, regarding apprenticeship training in the Bengal Nagpur Railway Workshops at Kharagpur ?

(*b*) If the reply to part (*a*) above is in the affirmative, will Government please state when they propose to place them on the table, or to communicate them to me as promised ?

(*c*) If the reply to part (*a*) above be in the negative, are Government prepared to remind the Agent, Bengal Nagpur Railway, for the reports and to ask the authorities to expedite the answers to those questions ? If not, why not ?

Mr. A. A. L. Parsons : (*a*), (*b*) and (*c*). The information asked for by the Honourable Member has been supplied in the six letters of the Railway Board bearing No. 7887-E , dated 28th June, 1930.

PAY OF IMPROVERS IN THE BENGAL NAGPUR RAILWAY WORKSHOPS.

81. **Mr. S. C. Mitra** : (*a*) Is it a fact that the starting pay for the Anglo-Indian improvers in the Bengal Nagpur Railway Workshops has been fixed at Rs 120 per mensem, but for the improvers recruited from the "A" Grade apprentices pay of Rs 45 per mensem has been fixed ?

(*b*) If so, what are the reasons for this differential treatment ?

(*c*) Are Government prepared to reconsider this racial discrimination in matters of pay ? If not, why not ?

Mr A A L. Parsons : (*a*) Yes

(*b*) Reference is invited to the answer given in paragraph 1 of Railway Board's letter No 7887-E, dated the 28th June, 1930, to parts (*b*) and (*c*) of the Honourable Member's question No 765 of 22nd March, 1930

(*c*) I would invite the Honourable Member's attention to paragraph 2 of Railway Board's letter to which I have just referred

SUBSISTENCE ALLOWANCES PAID TO APPRENTICES IN THE KHARAGPUR RAILWAY WORKSHOPS

82. **Mr. S. C. Mitra** : (*a*) Are Government aware that two different scales of subsistence allowances have been fixed for the apprentices in the Kharagpur Railway Workshops, *viz*, (1) for the Anglo-Indian apprentices Rs 33 to Rs 65 and (2) for the Indian Grade "A" apprentices Rs 20 to Rs 33 per month, during the tenure of their five years' apprenticeship ?

(*b*) Are Government prepared to reconsider once again the anomaly and discrepancy there remained in fixing those two separate scales of subsistence allowances for the apprentices [*viz*, (1) for the Anglo-Indians and that (2) for the Indian Grade "A"] in the Kharagpur Railway Workshops ? If not, why not ?

(*c*) Do Government propose to instruct the Bengal Nagpur Railway to fix a uniform scale of subsistence allowance for all their apprentices in the Kharagpur Railway Workshops, irrespective of their birth and colour, and to start and train them all on equal terms for all purposes ? If not why not ?

Mr. A. A. L. Parsons : (*a*) The stipends granted to the apprentices are as stated by the Honourable Member.

(*b*) and (*c*) The Honourable Member's attention is invited to the reply given in Railway Board's letter No 7887-E, dated the 28th June, 1930, to his question No. 765 of the 22nd March, 1930

RECRUITMENT OF INDIANS AS "CHARGE HANDS" IN THE KHARAGPUR RAILWAY WORKSHOPS

83 **Mr. S. C. Mitra** : (*a*) With reference to their answer to my starred question in the Legislative Assembly No. 644 (*g*), dated the 18th September, 1929, will Government be pleased to state whether it is a fact that, since the system of apprenticeship training for Indians was introduced by the Bengal Nagpur Railway, none of the recruits from the Grade "A" apprentices in the Kharagpur [illegible] has yet been appointed a "Charge-hand" ?

(*b*) Are Government aware that the appointments of " Charge-hands " have always been and are still frequently and regularly given by the Railway to their recruits from the Anglo-Indian apprentices in the Kharagpur Railway Workshops ?

(*c*) If the answers to parts (*a*) and (*b*) above be in the affirmative, will Government please state the reasons for this differential treatment ?

(*d*) What are the qualifications required for the posts of " Charge-hands " in the Kharagpur Railway Workshops ?

(*e*) Are the Indian Grade " A " apprentices given inferior training than what is required to qualify them for such posts of " Charge-hands " ? If so, why ?

(*f*) Is it a fact that the " Charge-hands " in the Bengal Nagpur Railway Workshops are promoted to the rank of " Foremen " in the same Workshops ?

(*g*) Do Government propose to give chance in the near future to the recruits from the Grade " A " apprentices of being appointed " Charge-hands " in the Kharagpur Railway Workshops, like the Anglo-Indian apprentices ? If not, why not ?

(*h*) Do Government propose to consider the claims of the recruits from the Indian Grade " A " apprentices for being appointed to the posts of " Charge-hands " in the Bengal Nagpur Railway Workshops, in equal terms with their Anglo-Indian comrades ? If not, why not ?

Mr A A. L. Parsons : I have called for information from the Agent, Bengal Nagpur Railway, and will communicate with the Honourable Member on its receipt

Revision of Rules for Apprentices at the Kharagpur Railway Workshops

84 **Mr. S. C. Mitra** : (*a*) With reference to the answers to my starred questions in the Legislative Assembly, Nos 544 and 545, dated the 12th March, 1930, will Government please state when the revision of the rules for the apprenticeship training in the Railway Workshops at Kharagpur is expected to be completed , and when do they propose to do away with the racial discriminations referred to therein, as promised ?

(*b*) When did the authorities of the Bengal Nagpur Railway begin to consider the scheme and the revision of those rules referred to in part (*a*) above ?

(*c*) Are Government aware that in their reply to my starred question in the Legislative Assembly, No 824 (*b*), dated the 26th February 1929, and in reply to other starred questions on the subject in the last Simla session of this Assembly, Government stated that the revision of the rules is under consideration of the authorities of the Bengal Nagpur Railway ? If so what are the reasons for this unusual delay in revising the rules and removing all the racial discriminations existing amongst the Indian Grade " A " and the Anglo-Indian apprentices in the Kharagpur Railway Workshops ?

(*d*) Do Government propose to instruct the Bengal Nagpur Railway authorities to expedite their consideration of the scheme and the revision of the rules ?

Mr. A A L Parsons : (*a*), (*b*), (*c*) and (*d*) I have called for information from the Agent, Bengal Nagpur Railway, and will communicate with the Honourable Member on its receipt

REBATE ON GOODS DESPATCHED TO AFGHANISTAN

85 **Rai Bahadur Lala Panna Lal** (*a*) Is it a fact that a rebate equal to two-thirds of railway freight is allowed on goods despatched from Karachi to Afghanistan and Persia through the railway line beyond Quetta ?

(*b*) Are Government aware that a lot of glassware and other goods are sent from the Punjab to Afghanistan *via* Peshawar and Jamrud, as that is the shortest route ?

(*c*) Do Government propose to extend the " rebate " to goods sent by the route referred to in part (*b*) ?

(*d*) If Government do not propose to do so, will they be pleased to state the reasons for differentiation in treatment in case of goods intended for the same destination by different routes ?

Mr A. A L Parsons : (*a*) A rebate equal to two-thirds of the railway freight charge (excluding the Nushki-Duzdap section) is allowed on goods other than coal despatched from Karachi to Afghanistan and Persia *via* the Nushki-Duzdap section of the North-Western Railway

(*b*) Government are aware that certain goods traffic from the Punjab is despatched to Peshawar for that portion of Afghanistan served from Peshawar

(*c*) No.

(*d*) The rebates are being allowed on consignments carried *via* the Nushki-Duzdap Railway, a line over which little traffic moves, to foster trade with Persia and Western Afghanistan, the ordinary freight rates having proved to be prohibitive The conditions affecting traffic to Afghanistan *via* Peshawar are entirely different.

PERSIAN BAN ON THE IMPORT OF INDIAN GOODS

86 **Rai Bahadur Lala Panna Lal** (*a*) Is it a fact that the Persian Government has laid a ban on the export of Indian goods into their country ?

(*b*) Have Government any information on the subject ? If not, are Government prepared to make enquiries ?

(*c*) If the answer to part (*a*) be in the affirmative, do Government propose to take similar action in case of Persian goods imported into India, or to take any other steps in the matter ?

Mr E B Howell : (*a*) No, Sir.

(*b*) and (*c*) Do not arise

INCREASED EMPLOYMENT OF MUHAMMADANS ON THE NORTH WESTERN RAILWAY.

87 **Rai Bahadur Lala Panna Lal** : (*a*) Has any circular been issued recently by the Agent, North Western Railway, about the increased employment of Muhammadans on that line ?

(*b*) If so, what are the contents of that circular and what are the reasons for issuing it ?

(*c*) Is it a fact that as a result of that circular Hindu employees in temporary service or in apprenticeship have been discharged ? If so, what is their number ?

(*d*) Does the circular contemplate any consideration for "merit" being a factor in railway employment ?

(*e*) Will Government be pleased to state the number of Muhammadans employed on the North Western Railway since the issue of the above-mentioned circular ?

Mr A A L. Parsons : (*a*) No

(*b*) to (*e*) Do not arise

EXPENDITURE ON THE KANGRA VALLEY RAILWAY

88. **Rai Bahadur Lala Panna Lal** (*a*) Will Government be pleased to state what was the estimated expenditure on the Kangra Valley Railway and what are the actual figures of expenditure ?

(*b*) Has there been an enormous excess over estimated expenditure ? If so, what are the main causes of such excess ?

(*c*) Are there any outstanding claims in connection with the construction of the railway still pending ? If so, what is their total amount ?

(*d*) Is it a fact that owing to this excess expenditure having resulted, legitimate claims of constructions are being rejected to avoid a further increase in this excess ?

(*e*) Has there been an outbreak of fire in the Office of Kangra Division ? Has that occasioned the loss of any office record ?

(*f*) What has been the cause of the fire and what has been the nature of the loss resulting from it ?

(*g*) Has any inquiry been made into the causes of the fire ?

(*h*) Are Government aware that litigation is threatened on account of the outstanding claims ?

(*i*) Do Government propose to appoint a committee to inquire into these claims and settle them with a view to avoid unnecessary litigation ?

Mr. A. A. L Parsons : (*a*) The original estimate was Rs. 134 lakhs, and the actual expenditure is expected to be about Rs 296 lakhs

(*b*) The matter is under enquiry.

(*c*) Contractors' claims amounting to Rs 29 lakhs form the subject of arbitration proceedings, the results of which are not yet known

(*d*) No.

(*e*) Yes

(*f*) and (*g*) An enquiry made by the local police authorities found that the fire was accidental

(*h*) No

(*i*) No. As has been explained, the claim form the subject of arbitration proceedings.

MEMBERSHIP OF THE CANTONMENT BOARD, LAHORE, OF A LESSEE OF CANTONMENT LAND

89 **Rai Bahadur Lala Panna Lal** (*a*) Are Government aware that in Lahore Cantonment the member nominated to represent agricultural interests on the Board is the lessee of the Board with regard to a large area of Government land in the cantonment ?

(*b*) Is it a fact that beyond the cantonment land held by him on lease, he has no other land in the Cantonment or outside as his own property ?

(*c*) Are Government aware that the people of Lahore Cantonment consider the member in question to be ineligible for membership inasmuch as in the position of a lessee, he derives benefit from the Cantonment Board by carrying on a sort of business transaction with it ?

(*d*) Do Government propose under the circumstance to issue a ruling whether a lessee of a Cantonment land held on lease for purposes of profit, is eligible for membership ?

Mr G M. Young : I am making enquiries and will let the Honourable Member know the result in due course

CONFIRMATION OF SUB-OVERSEERS AND SUB-DIVISIONAL OFFICERS IN THE MILITARY ENGINEERING SERVICE

90 **Rai Bahadur Lala Panna Lal** (*a*) Will Government be pleased to state how many permanent sub-overseers working in the Military Engineering Service have been confirmed during the last three years ?

(*b*) Does confirmation take place on seniority by length of service or are there other considerations as well to weigh in this matter ?

(*c*) Will the Government be pleased to state how many temporary Sub Divisional Officers there are waiting for confirmation, how many of them belong to the Northern Command, what are their names and what is their length of service as temporary Sub-Divisional Officers ?

(*d*) How many permanent vacancies of Sub-Divisional Officers are there in all and how many are likely to be confirmed in the current financial year ?

(*e*) Have the claims of any temporary Sub-Divisional Officers been passed over for confirmation, and if so, for what reasons ?

Mr G M. Young : (*a*) The information is being obtained from the Chief Engineers of Commands

(*b*) Merit also is taken into consideration when the question of confirming a temporary employee arises.

(*c*) There are two qualified temporary Sub-Divisional Officers on the waiting list, Mr Nand Singh in the Northern and Mr P S Pandit in the Southern Command. They have completed one year and two months and one year and ten months' service, respectively

(*d*) There is only one vacancy at present It is anticipated that eight more vacancies will occur during the current financial year.

(*e*) The answer to the first part of the question is in the negative. The second does not arise

REPORTED TERRORISATION IN AMBALA CANTONMENT.

91 **Rai Bahadur Lala Panna Lal** (*a*) Has the attention of the Government been drawn to an article headed "Terrorisation in Ambala" published in the *Cantonment Advocate* for May, 1930 ?

(*b*) Will Government be pleased to state what the facts of the case are, and if the facts mentioned in the *Cantonment Advocate* are correct ?

(*c*) Do Government propose to take any action in the matter to prevent officers who are carrying on Cantonment Administration from being thus humiliated ?

Mr G M Young (*a*) Government have seen the article

(*b*) and (*c*) I am making enquiries and will let the Honourable Member know the result

CONSERVANCY TAX IN CAWNPORE CANTONMENT

92 **Rai Bahadur Lala Panna Lal** (*a*) Is it a fact that the conservancy tax in Cawnpore Cantonment has been recently raised to 12½ per cent on the annual value of the house ?

(*b*) Did a deputation of the local Association wait upon the President, Cantonment Board, Cawnpore, to represent to him the oppressively heavy character of the above tax ?

(*c*) Is it a fact that the President informed the deputation that the tax would be reconsidered ?

(*d*) Is it the guiding principle of taxation in a cantonment that it should be as nearly equal to taxation in the neighbouring city as possible ?

(*e*) Are Government aware that the conservancy tax in Cawnpore city is three times less than that of the cantonment ?

(*f*) Do Government propose to instruct the authorities concerned to re-consider the rate of the conservancy tax and to bring it down to the level of the Cawnpore City, if the same may not have been already done ?

Mr G M Young : I am making enquiries and will let the Honourable Member know the result in due course

PAYMENT OF COUNSEL TO DEFEND SOLDIERS AND OFFICERS COURT-MARTIALLED.

93 **Rai Bahadur Lala Panna Lal** (*a*) Will Government be pleased to state if there is any provision in the Indian Army law to provide facilities for defence in case of soldiers and officers court-martialled for military offences ? If so, in what form are those facilities provided ?

(*b*) What arrangement is made for the defence of the accused when they cannot afford to engage a defence counsel ? Do Government bear the cost of engaging a counsel ?

(*c*) Is it a fact that Mr Mukandi Lal, M L C, Bar-at-Law of Lansdowne Cantonment, was engaged to defend the 17 Garhwalis who were recently tried for some military offence at Abbottabad ?

(*d*) Did the Government pay this counsel his fee for working as a defence counsel ? If so, what was the amount paid and what was the amount claimed by the counsel ?

(*e*) Was the full amount claimed paid ? If not, why not ?

Mr. G M Young : (*a*) Yes, Sir I would refer the Honourable Member to Rule 81 of the Indian Army Act Rules A person accused before a court martial may have any person to assist him during his trial and if such person is either a legal practitioner or a military officer, he has all the rights, duties and facilities of counsel

(*b*) The usual practice is to allow the accused to have the assistance of the best qualified officer available who appears at the trial as " Friend of the Accused " Such an officer has the same rights as Counsel Government do not bear the cost of engaging Counsel

(*c*) Mr. Mukandi Lal was engaged by the accused A British officer of the Garhwali Regiment also appeared as " Friend ".

(*d*) The answer to the first part is in the negative The second does not therefore arise

(*e*) Does not arise.

DISCHARGE OF CERTAIN CANTONMENT FUND EMPLOYEES

94 **Rai Bahadur Lala Panna Lal** (*a*) Are Government aware that in Quetta, Saugor, Naini Tal and Agra Cantonments, several old Cantonment Fund Employees having long records of service behind them were discharged under a wrong interpretation and application of rule 6 (1) of the Cantonment Fund Servants Rules ?

(*b*) Will Government please state the names of those discharged during the last four years and the period of their service before discharge ?

(*c*) Is it a fact that Government have since admitted that rule 6 (1), even as it stood before its recent amendment, did not confer any power on the Cantonment Authority to discharge a Cantonment Fund servant ?

(*d*) Are Government aware that the employees so discharged are in great distress and that there is a general feeling in the Cantonments that great injustice has been done to them ?

(*e*) What step do Government propose to take to reinstate those Cantonment Fund employees who have been discharged under a wrong interpretation of rule 6 (1) ?

Mr. G M Young : (*a*) So far as Government are aware, no Cantonment Fund employee in the contonments referred to was discharged under a misinterpretation of rule 6 (1) of the Cantonment Fund Servants' Rules

(*b*) Does not arise

(*c*) Yes

(*d*) and (*e*) Government are aware that persons discharged under a misinterpretation of the rule have some grievance, and they have accordingly issued instructions restricting the application of the rule to cases, where the discharge of a servant is necessitated by reduction of establishment.

GOVERNMENT CIRCULARS INTERPRETING THE CANTONMENT ACT AND RULES THEREUNDER

95 **Rai Bahadur Lala Panna Lal** (*a*) Is it a fact that since April, 1924—the date of the enforcement of the Cantonments Act now in force—the Government have issued a large number of circulars, circular letters and other departmental instructions for the guidance of Cantonment Authorities about the interpretation and application of the various sections of the Cantonments Act and the rules framed by the Government thereunder ?

(*b*) Is it a fact that to guard public interests and to point out to Government where a circular seemed to override or change the spirit or meaning of Cantonment law, the All-India Cantonments' Association requested the Government to supply a copy of every such circular or of all such correspondence in which instructions of general character applicable to Cantonment Administration were conveyed ?

(*c*) Is it a fact that some of these circulars have been marked confidential ?

(*d*) Will Government please explain why circulars explaining the sections of the Cantonments Act or the rules framed thereunder or affecting questions pertaining to Cantonment Administration are treated as confidential ?

(*e*) Is it a fact that Government have refused to supply the Association with copies of circulars of departmental instructions ?

(*f*) Are Government aware that the result of their action is that there is no uniformity in the method of carrying on administration in various cantonments, and that there is great resentment at Government issuing circulars secretly regarding the application of cantonment law to cantonment administration ?

(*g*) Will Government be pleased to explain their policy in the matter, and state reasons why it has ignored the request of the All India Cantonments' Association, for copies of the circulars issued ?

(*h*) Are Government prepared to publish all the circulars they have issued ?

Mr G M Young : (*a*) Yes

(*b*) Government received a request from the All-India Cantonments' Association for a copy of each circular letter affecting the application of the Cantonment Land Administration Rules, 1925, the interpretation of the various sections of the Cantonments Act, 1924, or the municipal administration of the Cantonments

(*c*) Yes

(*d*) Circulars addressed to officers of Government or Cantonment authorities for their guidance are confidential in the sense that they are not intended for the information of the public As I have already explained, the circulars in question have no modifying effect upon sections of the Act, which can only be interpreted by judicial rulings

(*e*) Yes, Government refused to supply the Association with a copy of a letter which contained departmental instructions for the guidance of Army Commanders and the Cantonment Authorities subordinate to

them Government do not propose to convey those instructions to any section of the public

(*f*) No

(*g*) Copies of important letters affecting the municipal administration of Cantonments will be supplied to the Association as already arranged. The latter part of the question does not arise in view of the reply to part (*f*) above

(*h*) No

APPOINTMENT OF ASSISTANT SECRETARIES IN CANTONMENTS

96 **Rai Bahadur Lala Panna Lal** (*a*) Will Government be pleased to state how many Assistant Secretaries have been appointed in the cantonments so far ? What are their names, qualifications and salaries ?

(*b*) Are there any rules governing these appointments ? If so, where can the same be had and when were they adopted ?

(*c*) Is a register of approved candidates for these appointments maintained in the Command ? Has one such register been maintained in the Northern Command ? If so, how many candidates are still on the waiting list ?

(*d*) What qualifications and training is a candidate required to possess before his appointment as an Assistant Secretary is considered ?

Mr G M. Young : (*a*) Assistant Secretaries have been appointed in seventeen cantonments Government have no information of their names, qualifications and salaries

(*b*) and (*d*). The appointments are made by individual Cantonment Authorities There are no rules of the Government of India regulating the manner of appointment nor, in the opinion of Government, are any such rules required

(*c*) I am making enquiries and will let the Honourable Member have the information as soon as possible.

TRANSLATION AND DISTRIBUTION OF THE INDIAN CENTRAL COMMITTEE'S REPORT.

97 **Khan Bahadur A H. Mama** : (*a*) Will Government be pleased to state what arrangements they propose to make to translate the Indian Central Committee's Report, submitted to the Viceroy and Governor-General of India, into European and Indian vernaculars and for distribution in America, in view of similar arrangements being made, by His Majesty's Government ?

(*b*) Are Government prepared to publish at least a summary of their recommendations as early as possible into the Indian and European vernaculars and for distribution in America ?

The Honourable Mr H G. Haig : (*a*) and (*b*). The Government of India do not propose to make any official translations of the Reports or of summaries of the Reports of the Statutory Commission or of the Indian Central Committee Their view is that such translations are best left to private enterprise Applications received from private translators will be freely granted, subject to conditions which will ensure the accuracy of

the translation If there is any demand for copies of the Indian Central Committee's Report in America, arrangements will be made to meet it

APPOINTMENT OF ADVISORY BOARDS OF CIVILIANS IN CANTONMENTS.

98 **Rai Bahadur Lala Panna Lal** (*a*) Is it a fact that a deputation of the All-India Cantonments' Association that interviewed the Army Secretary in June, 1929, urged the desirability of appointing Advisory Boards of the civilian population in cantonments administered by corporation sole to enable Commanding Officers of those cantonments to know the views and desires of the Cantonment people in matters pertaining to cantonment administration ?

(*b*) Are Government aware that the Army Secretary agreed to the above proposal ?

(*c*) Will Government be pleased to state if the Advisory Boards mentioned above have been appointed after that in any cantonment, and if so, where and what is the constitution of those Advisory Boards ?

(*d*) If not, will the Government state the reasons for not giving effect to a useful measure agreed to by it and do Government propose to carry it out now without delay ?

Mr G M. Young : (*a*) to (*c*) No, Sir , the Army Secretary, on the occasion mentioned, agreed to consider a suggestion of the deputation of the All-India Cantonments' Association that in Cantonments where the form of Cantonment Authority was " Corporation Sole " the Officer Commanding might consider the advisability of consulting one or two representatives of the civil population in matters affecting their civil interests The suggestion was accordingly brought to the notice of the General Officers Commanding-in-Chief, all Commands, and the Commander, Burma Independent District, for their consideration

(*d*) Does not arise

RE-IMPOSITION OF A PROFESSIONAL TAX IN RISALPORE CANTONMENT.

99 **Rai Bahadur Lala Panna Lal** (*a*) Are Government aware that a professional tax has recently been imposed at Risalpore Cantonment ?

(*b*) Is it a fact that this tax was proposed to be levied some three years ago but was given up ?

(*c*) Will Government be pleased to state the reasons why the realisation of the tax was given up after its imposition, and how the consideration that led to that step ceased to exist at the recent re-imposition of the tax ?

(*d*) Is it a fact that the rates of the tax for different professions are heavier than those of the neighbouring cantonments where that tax is imposed ?

(*e*) Are Government aware that all the shops in Risalpore Cantonment where trade and business is carried on belong to the Cantonment Authority, Risalpore, and that tradesmen of that cantonment are already paying heavy rent for the shops at the bidding of the Cantonment Authority ?

(*f*) Are Government aware that the re-imposition of the professional tax there has caused great unrest among the people ?

(*g*) What are the reasons for imposing this tax ?

(*h*) Are Government prepared to suspend the realisation of the tax till its necessity and the capability of the people to pay it are further inquired into ?

Mr. G. M Young : I am making enquiries and will inform the Honourable Member as soon as possible.

REPRESENTATION SUBMITTED BY THE RISALPORE CANTONMENT BAZAAR ASSOCIATION.

100 **Rai Bahadur Lala Panna Lal** (*a*) Is it a fact that the Risalpore Cantonment Bazaar Association submitted a representation to the Northern Command containing a number of grievances against the Cantonment Authority and requesting an interview to discuss those grievances ?

(*b*) Has the Northern Command given the Risalpore Cantonment Bazaar Association an opportunity for the same ? If not, what considerations prevented the Northern Command from granting that request ?

(*c*) Is it a fact that the representation in question has been sent by the Northern Command to the Cantonment Authority, Risalpore, and are Government aware that as a result thereof, the people's grievances have been accentuated ?

(*d*) Do Government propose to issue general instructions that in cases like the above, the Commands should welcome an opportunity of the informal discussion of public grievances ?

Mr G. M Young : Government have no information I am making enquiries and will let the Honourable Member know the result in due course

PERCENTAGE OF LITERACY AMONGST DIFFERENT COMMUNITIES

101 **Mr Nehal Singh :** Will Government be pleased to state what is the percentage of literacy among the Hindus, Muhammadans, Jains, Sikhs, and Parsis in India ?

The Honourable Mr. H G Haig : I would refer the Honourable Member to Table VIII of the Census of India, 1921, Volume I, Part II-Tables, copies of which are in the Library of the House

EARNINGS FROM DIFFERENT CLASSES OF PASSENGERS ON THE EAST INDIAN RAILWAY

102. **Mr Nehal Singh :** Will Government be pleased to state the amount of earnings from the passengers travelling in first, second, inter and third classes of the East Indian Railway separately in the last financial year ?

Mr. A. A. L. Parsons : The earnings from passenger traffic for the year ending 31st March, 1930, were as follows :

	Rs.
1st class	14,45,000
2nd class ..	24,64,000
Inter class ..	46,89,000
Third class	5,11,76,000
Total	5,97,74,000

CANDIDATES FROM MINORITY COMMUNITIES APPOINTED TO THE I R S E. AND I S E

103. **Sardar Gulab Singh** : Will Government be pleased to state :

(*a*) the number of candidates from minority communities who attained the qualifying standard in the examination held by the Public Service Commission in February, 1930, for recruitment in the I R S E and I. S E ,

(*b*) the number of vacancies which were reserved for the redress of communal inequalities in the I R S E according to rule 3 of the regulations for that service published by the Public Service Commission ,

(*c*) the number of Sikhs selected for appointment in the above service and the number of Sikh officers already in that service ,

(*d*) also the corresponding number of candidates selected for appointment by nomination and the number of officers already in the service, of each of the remaining minority communities ; and

(*e*) if Government intend to recruit one Sikh from among the list of qualified candidates ?

Mr A A L Parsons : (*a*) Five

(*b*) Three

(*c*) The answer to the first part of the question is none. The answer to the second part of the question is 6

(*d*) The answer to the first part of the question is that two candidates of minority communities have been selected for appointment this year and one selection remains to be made

The answer to the second part of the question is as follows .

Muslims	15
Anglo-Indians	25
Indian Christian ..	1

(*e*) No, as the remaining vacancy has been reserved for a Muslim.

MOTION FOR ADJOURNMENT.

CONTINUATION OF REPRESSIVE MEASURES IN THE NORTH WEST FRONTIER PROVINCE

Mr. President I have received notice of the following motion of adjournment from Maulvi Mohammad Shafee Daoodi :

" Sir, I beg to give notice of my intention to move an adjournment motion on Monday next for the purpose of discussing the following matter of urgent public importance :

' The continuation of repressive measures in the North West Frontier Province '."

Notice of this motion was received by me on Saturday afternoon. I should like to know if Government have any objection to this motion.

The Honourable Mr. H. G. Haig (Home Member) Sir, I should like to submit for your consideration certain points of order in connection with this motion

Maulvi Mohammad Shafee Daoodi (Tirhut Division Muhammadan) Speak loudly, please.

Mr. President: Order, order. I wish Honourable Members would restrain themselves from indulging in these loud whispers, because it is very difficult to hear anything on account of the disturbance and noise created

The Honourable Mr H. G Haig: The motion is based on the continuance of repressive measures in the North West Frontier Province A motion under the rules, Sir, can only be made if it relates to a definite matter of urgent public importance The first point I would like to submit for your consideration is that the continuance of a certain state of affairs is hardly a definite matter It is unfortunately the case that for some months past it has been necessary to take certain measures in the North West Frontier Province, though, as I have already been indicating, in reply to certain questions this morning, those measures are fortunately now much reduced. But I would submit that the mere continuance in a reduced form of certain measures is not a definite matter within the meaning of the rule

Further, Sir, it is necessary that the matter which is sought to be raised should be an urgent matter, and the word "urgent" has several times been interpreted by your predecessors as meaning a very recent occurrence I would refer you, Sir, to the ruling of Sir Frederick Whyte on the 10th January, 1922, reported in Volume II of the Debates, at page 1453, in which he held that a matter to be definite, urgent and of public importance, in the sense in which these terms are used in the Standing Order, must have arisen suddenly in the manner of an emergency I would refer also to the discussion in this House on the 14th September, 1922, reported on page 502 of volume III, in which Sir Frederick Whyte held that, as soon as a matter of this kind is brought to the notice of the Honourable Member and he wishes a discussion thereon, he should at the first available opportunity bring it before the Assembly. As I have already mentioned, the matter to which the Honourable Member seeks to draw attention by this method has been going on for some considerable time, and I would submit that the Honourable Member should have given notice of his intention to move an ordinary Resolution and could have brought the matter to notice earlier than he has done I would submit that no emergency has recently arisen suddenly, and I would therefore ask you, Sir, to consider whether there is any case for adjourning the business of the House on these grounds on this particular day

Maulvi Mohammad Shafee Daoodi: Sir, the occurrences in the North West Frontier Province have been certainly going on for some months, but as you know, and as everybody knows, there has been the strictest censorship prevailing in that province The papers in the province have been suppressed The people have not been allowed to cross the frontier, and men from this part of the country were not allowed to go to the frontier Pandit Madan Mohan Malaviya was prevented from going to the frontier and so also Maulana Shaukat Ali, when he corresponded with the Government, was not allowed to go. There are many

other instances I believe our *ex*-President Mr. V. J. Patel also wanted to go to the frontier for the purpose of holding a very important inquiry, but he was not allowed to go there I want to point out that there was no means of communication between the frontier and this part of India It was only recently, day before yesterday, that one man came here from there and another man came even after that These men have come from Peshawar without knowing that they can have their grievances redressed here even if they came at the present moment But they have become desperate, and in their desperateness they have left their homes and come to Simla In their desperateness I am told that the people there are so much exasperated that they will either leave the country and perform what is called *hijrat* from the North West Frontier Province, or choose some such method as will prove detrimental both to India and to the British Government I need not tell the Government what they are thinking of doing, because I know that the Government must be in possession of more information than the man who came to me has. It seems to me that a very serious situation will arise if immediate steps are not taken to prevent the excesses that are being committed by the authorities even now there Therefore I say that the information that has been given to us is absolutely recent , we had no such definite information previously to enable us to come forward in this Assembly Our previous information would have been dismissed as vague and hearsay But now eye-witnesses have come, as I told you, only on Saturday last

As regards the definiteness of the matter, I have taken great care to cross-examine these men and to find out what definite matters they have to place before me and before the Assembly They have given me information of incidents which took place on the 6th and 7th July On the 6th July, a village called Yar Hussain in Swabi Tahsil, in the Peshawar District, was blockaded by the military, and after the blockade, the military entered the houses and did all sorts of damage not only to the property but also to the people inside the houses I have some self-respect and therefore I do not want to say what they have done, but I shall merely let Honourable Members on the Government Benches imagine the state of things when military enter a village after the blockade of the village , they can easily imagine it I find that this incident has been eye-witnessed by these men Again, we have the incident of the 7th in the village of Sherpao in Charsada Tahsil of the Peshawar District, and I find that that incident also is equally horrifying I should say that the Government have become—I would not use a stronger word—blind to all these things I do not know how long it will take to forget the incidents which are happening in the Frontier Province At the present moment they have taken a vow of non-violence, and therefore not one single soul has been fired upon by the people during the recent disturbances ; had it not been for their vow of non-violence, things would have taken a different turn

Mr President : I would request the Honourable Member to reply to the constitutional issue whether this motion is in order or not ; he is not called upon to go into the merits of the case at this stage of the debate

Maulvi Mohammad Shafee Daoodi : I was telling you that these two incidents are definite instances which are in continuation of the incidents which happened earlier. I am not referring to the earlier incidents, because the Honourable Sir Fazl-i-Hussain went there and those matters were to a certain extent brought to his notice ; but even after his departure,

[Maulvi Mohammad Shafee Daoodi.]

these things are happening, and as I have said, no more proof of definiteness can be given than what I have given just now

Mr President: Are these incidents mentioned in the motion for adjournment?

Maulvi Mohammad Shafee Daoodi: I have said very clearly in the motion—the repressive policy of the Government being continued at the present moment It means this and many more incidents—I mentioned only these two in order to illustrate my statement Therefore I say that the repressive policy of the Government is being continued in the Frontier Province, and I am quoting instances of recent occurrence, of which we could not have had any knowledge, except through these men who have come here and who were eye-witnesses of the occurrences Considering all these things, I should say that my motion relates to a definite matter of the repressive policy of the Government in the Frontier Province, and that it is urgent because, if immediate measures are not taken to prevent and stop this state of things, I believe that the whole of India will be involved in something terrible Therefore I say that the matter is definite, that it is recent, and the remedy I want to be applied is urgent—otherwise it will involve us in very great difficulty

Mr Fazal Ibrahim Rahimtulla (Bombay Central Division Muhammadan Rural) Sir, the Honourable the Home Member has, as I understand, raised two definite issues before the House One is that the matter, being continuous, is hardly a definite matter of public importance, and secondly, that it is not urgent because it is not of recent occurrence, and in support of the latter he has quoted the opinion of a predecessor of yours, namely, of Sir Frederick Whyte Sir, my point is this, that, firstly, I maintain that it is a matter of definite public importance for this reason, that though it is continuous, there must be a limit to one's patience and the conditions at present in Peshawar, as we are informed, from whatever little news we have been able to get

Mr President: This point cannot bring the motion within the four corners of the rule.

Mr Fazal Ibrahim Rahimtulla I maintain that it is a definite matter of urgent public importance The second point is this Members here were expecting that the recent visit of the Honourable Member for Education, Health and Lands, Sir Fazl-i-Husain

Mr. President I am afraid you are again going into the merits of the case

Mr Fazal Ibrahim Rahimtulla: I am not, Sir, I want to say that the matter has become urgent because Sir Fazl-i-Husain was not successful in his visit, and we want that something must be done by the Government here That is my point. A representation was submitted, I am told, to the Honourable Member while he was there but he has not succeeded in pacifying those people there and he has returned and hence his visit has been unsuccessful.

Mr. President: That cannot turn an indefinite motion into a definite one.

Mr Fazal Ibrahim Rahimtulla: It may be true, Sir, but it can make the recent occurrences urgent and of a definite character because his

visit was unsuccessful. People thought that the Honourable Member would be able to pacify the people there and reduce or minimise the difficulties existing there at the present moment

Mr. President But even that occurrence is not mentioned in the motion

Mr. Fazal Ibrahim Rahimtulla : The motion says "repressive policy of the Government of India" That means the policy that is being followed there and which, if not stopped in time, might lead to disastrous consequences Therefore it is a matter of urgent definite public importance That was my submission There is reason to believe that the visit, authorised with the concurrence of the Government of India, of Sir Fazl-i-Husain, to go there and ascertain first-hand information and to find out what could be done, was unsuccessful That is why I maintain that the matter is urgent and it must be debated in this House A question was raised by the Honourable Member that this could have been brought up as a Resolution It is very difficult to get Resolutions here balloted, and even if balloted there is very little chance of their being reached

Mr. R. S Sarma : What is the source of information of the Honourable Member that Sir Fazl-i-Husain's visit was unsuccessful ?

Mr. Fazal Ibrahim Rahimtulla I think I will leave Mr. Sarma to the Honourable Members of Government It is better that he should not interfere in this matter. Whatever information I have is quite correct and I shall substantiate it when the adjournment motion is allowed and a full dress debate takes place

Dr Ziauddin Ahmad (United Provinces Southern Divisions Muhammadan Rural) : Sir, in the first place the word "continuation", which has been used, is, to my mind, a very positive and definite idea It is not a negative idea, nor is it indefinite The second point is about the definition of the word "urgency" With due deference to our first President, I should maintain that the definition of urgency now advanced is very much open to question It is said that anything that occurred some time ago is barred from discussion even if it be left unknown by the action of the Government Now, I can certify that the Honourable the Mover did not know of the facts till Saturday morning and as soon as he came to know of the facts, he took the first opportunity to give notice of a motion ; and if these facts were left unknown to the Mover, it is certainly not his fault, but of those who are in charge of affairs

As regards the point about public importance, I may repeat in unequivocal words what I uttered in February last I warned you as to what would happen in the Frontier Province—I told you the same thing, that if your policy is not changed

Mr. President : That is not discussing the point of order , you must confine yourself to the point of order

Dr. Ziauddin Ahmad : I just want to prove that this is a matter of public importance and my reason for it is this....

Rai Sahib Harbilas Sarda . It is objected to only on the ground that it is not definite or urgent.

Dr. Ziauddin Ahmad : And of public importance

Mr. President Nobody has denied so far that this is a matter of public importance , even the Honourable the Home Member did not say that it was not a matter of public importance The point raised by him was that it was not a definite matter--no particular definite incident was mentioned in the motion—and that it was not urgent These are the two defects which the Honourable the Home Member pointed out and I would like Honourable Members in their reply to restrict themselves to these two salient points

Dr. Ziauddin Ahmad : Sir, the matter is very definite, and a positive idea is implied in the words As regards " urgent ", the Honourable the Mover took the first opportunity to make this motion as soon as he came to know the facts

Sir Hari Singh Gour (Central Provinces Hindi Divisions Non-Muhammadan) Sir, I think our silence on this occasion is likely to be misunderstood, and I therefore wish to say a few words in connection with this matter As regards the meaning of the word " definite ", everybody knows that a matter is definite if it can be defined, is certain and that there is no vagueness about it Now is there any vagueness about this subject ? Can anybody say that it is vague ? I think the Honourable the Home Member, in objecting to the admissibility of this motion, has himself pointed out how clear and definite the issue is The definiteness lies in the defined policy of the Government in connection with frontier unrest Nothing can be more definite than this, and I think it is sheer super-criticism to say that this matter is not definite He knows it ; everybody knows that the matter is there The question is, is it urgent ? Now, that it is urgent is equally clear from the fact that the ordinary laws have been suspended in the Frontier Province and emergency measures put in force What justification is there for the suspension of ordinary laws and resort to extraordinary emergency measures if the Government of India did not consider this matter as one of urgency ? Urgency means and implies avoidance of delay. The ordinary normal procedure entails delay and the justification of the Government for resorting to extraordinary procedure is admission of the fact that this exceptional procedure is resorted to because the matter is urgent I therefore submit, Sir, that both on the question of definiteness and urgency there cannot be two opinions.

As regards the matter being of public importance the Honourable the Home Member admits it I submit, therefore, that on the broad constitutional issue, you should rule, Sir, that the matter is both definite and urgent within the meaning of the rules. Similar questions had been allowed and discussed in this House, and the Honourable the Home Member will find precedent after precedent that questions of this character had been admitted by your predecessors during the last ten years I therefore think that, in the interests of justice and in the interests of the right of this House to give the Government a lead as to the right policy they should follow, this motion should be admitted

Mr President : Will the Honourable Member cite any ruling on this point ?

Sir Hari Singh Gour : If you will give me a little time, Sir, I shall be able to hunt up the rulings. I am speaking from my recollection in this House, and I am quite sure that I shall be able to show you the rulings on this point But if you want me to give you the time and the dates on

which these rulings were given, I shall require a little time, because you cannot expect me to carry in my head the rulings contained in about 45 volumes of the Assembly debates

Mr. Arthur Moore (Bengal European) : May I ask the Honourable Member to state for our information in what sense the ordinary law has been suspended in the North West Frontier Province ? We are not aware of that

Dr. A Suhrawardy (Burdwan and Presidency Division . Muhammadan Rural) There were never any ordinary laws in force there at all

***Raja Ghazanfar Ali Khan** (North Punjab Muhammadan) Sir, I shall confine my observations to only one point, and that is about the question of urgency. As we have just learnt, the Honourable the Home Member has told us that, according to Sir Frederick Whyte's ruling given in this House in 1922, a motion can be called as one of urgent importance if it has been moved without losing much time Now, Sir, I do not want to repeat the arguments advanced by Maulvi Mohammad Shafee, but there is strict censorship in the Frontier Province, and everybody knows it I come from a place which is much nearer the Frontier Province than that of my friend, and I can assure you, Sir, that we were absolutely unable, in spite of our great anxiety, to get any correct news of what was going on in the Frontier Province, and we used to get very exaggerated reports Therefore Sir, before making this motion here, we waited for the conclusions of the Sulaiman Committee's Report. We thought that unless we had an authentic document before us which would tell us what the real situation is, we would not be in a position to debate in this House The Government's Resolution on the Sulaiman Committee's Report was published only four days ago We were expecting that we would be supplied with a copy of that important document before this Session came to an end, and we thought that would be the proper time to discuss this question Now, Sir, although the information conveyed to us through the papers may not be as complete as we desire, we are in possession of certain facts, and the present was the only early opportunity when we could move this motion That, Sir, I think, will certainly show the urgency of the case, and it will also give the definite reasons why it was impossible for us to move this motion a few days earlier

Only one more point, Sir, that I would like to place before the House, and that is the wording of the Resolution has been slightly modified and altered even during the discussion of the motions on previous occasions. My friend Maulvi Mohammad Shafee has used the words " the repressive policy in the Frontier Province " I think what he exactly meant was the present critical situation in the North West Frontier Province Sir, as regards the definiteness of the motion, I think the Honourable the Home Member did not give us any reasons as to why the matter was not definite. The mere continuation of a certain definite thing does not make it indefinite, and the Honourable the Home Member having admitted that it was a definite matter, but as it continues, I don't understand why he calls it indefinite. Therefore, Sir, this matter is both urgent and definite, and I would request you to allow it to be discussed, and I can assure you, Sir, that the discussion will be carried on in a manner which would be helpful to remove the present tension

*Speech not revised by the Honourable Member

Maulvi Sayyid Murtuza Saheb Bahadur (South Madras · Muhammadan) Without going in detail into this question, I may merely invite the attention of the House to the fact that numerous atrocities have been perpetrated in the villages of Sherpao and Yar Hussain on the 6th and 7th instant, and to add to this list, I might also mention the name of the village Umarzay. These are the definite villages in which excesses have been committed and atrocities perpetrated Sir, these high-handed actions have reached a climax now And yet if the Honourable the Home Member or any other representative of Government should come forward to question the definiteness of the matter and urgency of the question, it cannot but be deplored

Mr President · I think the question has now been sufficiently debated We have had a debate for fully half an hour, and I think it is time that I should give my ruling I have given my very anxious thought to this question, and really it has distressed me very much I assure Honourable Members that I am not distressed any less than the Honourable Member who has given notice of this motion or any other Member on the floor of this House But Honourable Members know that motions for adjournment of the House can only be allowed for the purpose of discussing a definite matter of urgent public importance Such a motion must be restricted to a single specific matter of recent occurrence and must be of an urgent nature It has been pointed out that there were certain matters of recent occurrence which came to the notice of the Honourable Maulvi Mohammad Shafee Daoodi on the morning of Saturday Notice of this motion was handed over to me on the afternoon of Saturday So, it is clear that the Honourable Member was in possession of these specific facts on the morning of Saturday before he gave me notice of this motion, and I do not see any reason why none of these incidents of recent occurrence was specifically put down in the notice of motion for adjournment The motion of which Maulvi Mohammad Shafee Daoodi has given notice runs as follows

"The continuation of repressive measures in the North West Frontier Province"

Not a single definite measure of a repressive character has been mentioned in this motion It is obvious that the motion, as it has been framed, is not definite, nor does it relate to a single specific matter of recent occurrence, as was pointed out by the Speakers of the House of Commons on several occasions The Honourable Member would have been well advised if, in framing his motion, he had stated some specific matter of recent occurrence It has been pointed out by Dr Ziauddin Ahmad, or by some other Honourable Member, that the ordinary law has been suspended in the North West Frontier Province If that was a specific matter of recent occurrence, it ought to have been mentioned in the motion, if it was desired to discuss it as a matter of sufficient importance. Then, it has been pointed out by some Honourable Members that they were waiting for the Report of the Sulaiman Committee If that was the case, the Report of the Sulaiman Committee was published a few days ago, and the Honourable Member could have very well said, in his notice that he wanted to move an adjournment of the House for the purpose of discussing the unsatisfactory character of the Sulaiman Committee's Report Nothing of that sort has been done Again, it has been stated that there were no means of communication, and that no gentlemen could come from the frontier to give them real facts. But we know it very well that about a week before the Assembly met, about half a dozen gentlemen

from the Frontier Province came to Simla and they had a discussion about matters which were going on in that province with Assembly Members at Simla, including Dr Ziauddin Ahmad himself. Therefore, I cannot say that Members of this House were not in possession of information in order to put it definitely in the motion for adjournment No doubt, the situation at present created in the North West Frontier Province is a matter of great anxiety and I would be the last man to come in the way of any debate on that subject, provided it fulfilled the necessary conditions laid down in the rules of the Assembly This point of view is also supported by a ruling which was given in this House some years ago. A similar point arose on the 16th July, 1923, when Lieut-Colonel H A J. Gidney wanted to move the following motion for an adjournment of the House

"The appalling condition leading to unparalleled economic upheaval in India due to the unemployment of middle classes, Domiciled Community and Indians"

This motion was framed in a form similar to the one which is now before the House Sir Frederick Whyte ruled as follows

"I am afraid the Honourable Member has mistaken the bearing of the rules The rule, as I think I have explained, provides an opportunity for Members of this House to draw the attention of Government to a matter of recent occurrence which could not otherwise be discussed under the ordinary procedure of the House The matter to which the Honourable Member is referring, namely, the appalling condition of the middle classes due to unemployment is a matter which, though urgent in his reading of the word, is not urgent in the sense of the rule and therefore I am afraid I cannot admit it"

There is another ruling on this point of a more recent date A similar point arose on the 7th September, 1927, when Mr M K Acharya wanted to move the following motion for an adjournment of the House

"I desire under Rule 11 of the Indian Legislative Rules to make a motion for the adjournment of the business of the Assembly to-day (7th September 1927) for the purpose of discussing a definite matter of urgent public importance, namely, the decision of the Bengal Nagpur Railway authorities immediately to retrench 2,000 men of the Khargpur workshops at a time when the neighbouring parts of the country are stricken with the havoc caused by the recent floods, and while the said railway authorities are giving out on contract to private firms large quantities of work till recently done in the railway workshops by the workmen themselves"

My predecessor in office, the Honourable Mr V J Patel, gave the following ruling

"I am clearly of opinion that the matter is of great public importance But I am not convinced that the matter is urgent I should have certainly admitted this notice of motion for adjournment if it had come to me on the 18th August The decision proposed to be questioned was arrived at on the 15th August It was published in the newspapers on the 16th or 17th August, as Sir George Rainy has said, and there is absolutely no reason why the Honourable Member should not have given a notice of motion for adjournment on the 18th"

In the present case also, the House met for the first time on the 7th July, and notice of this motion was handed to me only on the 12th As I have already stated, all these facts were within the knowledge of Honourable Members when the House met on the 7th July (*Some Honourable Members*: "No, no") From the statements which have been made by some Honourable Members on the floor of the House today, it is quite clear that they were in possession of certain definite matters of information before the 7th July. In May's Parliamentary Practice, page 247, it is laid down:

"The Speaker declines to submit a motion for adjournment to the House if, in his opinion, the subject to be brought forward is not definite, urgent, or of public importance."

[Mr President]

I regret very much to say that the motion of which the Honourable Member has given notice is framed in such vague and undefined terms that I have no option but to rule it out

Sir Hari Singh Gour Will it be open to the Honourable Member to recast the motion and place it before this House ?

Mr President . If a second motion comes before the Chair, the Chair will consider it

Nawab Sir Sahibzada Abdul Qaiyum (North West Frontier Province Nominated Non-Official) Just on a point of information, Sir. Do I understand that the suggestion made by Mr Jinnah this morning, and in a way accepted by the Foreign Secretary, will stand and that some sort of opportunity will be given for the discussion of the affairs of the North West Frontier Province ?

Mr. President This is a point on which it is difficult for the Chair to say anything

Nawab Sir Sahibzada Abdul Qaiyum I want the information from the Government side

Mr President Order, order I regret very much to say that when this question was being discussed so many Honourable Members got up to express their opinions, but the distinguished Member from the North West Frontier Province did not get up and did not say a single word in support of the leave asked for (*An Honourable Member* "He is a nominated Member") (*Another Honourable Member* "How can he ?")

STATEMENT LAID ON THE TABLE

HYDRO-ELECTRIC POWER SUPPLIED FOR THE GREAT INDIAN PENINSULA RAILWAY.

Mr A. A L. Parsons (Financial Commissioner Railways) Sir, I lay on the table the information promised in reply to starred question No 814, asked by Mr Sarabhai Nemchand Haji on the 24th March, 1930, regarding power supplied by the Hydro-Electric concerns for the suburban service of the Great Indian Peninsula Railway

(*a*) The rate per unit is 0 6 anna when the payments are made on the minimum consumption and 0·425 anna per unit *plus* Rs 4 2 8 per month per "Kilowatt of Maximum demand" when payments are made on actual consumption.

(*b*)

Period	Minimum units to be paid for by the Railway per month
January, 1925 to 30th June, 1926	850,000
1st July, 1926 to 30th June, 1927	2,000,000
1st July, 1927 to 30th June, 1929 . . .	4,000,000
1st July, 1929 to 30th June, 1932	5,000,000
1st July, 1932 to 30th June, 1937	6,000,000

(*c*) and (*d*)

	Month	Actual consumption in units and Kilowatts of Maximum Demand	Amount paid.
			Rs A P
'A'	July, 1928	3,277,686 Units	1,50,000 0 0
	August, 1928	3,297,300 Units	1,50,000 0 0
	September, 1928	3,195,500 Units	1,50,000 0 0
	October, 1928	3,597,400 Units	1,50,000 0 0
	November, 1928	3,746,164 Units	1,50,000 0 0
	December, 1928	4,274,600 Units 11,568 K W	1,61,744 1 0
	January, 1929	4,289,600 Units 12,024 K W	1,64,042 8 0
'A'	February, 1929	3,878,500 Units	1,50,000 0 0
	March, 1929	4,683 750 Units 13,152 K W	1,79,212 2 0
	April, 1929	4,899,550 Units 13,248 K W	1,85,344 5 0
	May, 1929	5,106,540 Units 12,960 K W	1,89,642 8 0
	June, 1929	5,157 200 Units 14,832 K W	1,98,788 2 0

The minimum number of units fixed for the period from 1st July, 1927, to 30th June, 1929 [as shown in item (*b*) above] was 4,000,000 and, as the consumption during the months marked 'A' was below the minimum, the payments in these cases were made on the minimum number, *viz*, 4,000,000 at the flat rate of 0·6 anna per B T unit

PRELIMINARY REPORT UPON THE EXPENDITURE OF THE CENTRAL GOVERNMENT

The Honourable Sir George Schuster (Finance Member) Sir, in accordance with an undertaking which I gave in the last Delhi Session, I beg to lay on the table* a preliminary Report by Mr. Jukes on his inquiry into the expenditure of the Central Government.

THE INDIAN LAC CESS BILL.

The Honourable Sir George Rainy (Member for Commerce and Railways) I beg to move that the Bill to provide for the creation of a fund for the improvement and development of the cultivation, manufacture and marketing of Indian lac, as reported by the Select Committee, be taken into consideration.

*The Report was placed in the Library of the House.

[Sir George Rainy.]

When I moved in February last, Mr. President, for the reference of this Bill to a Select Committee, I explained in some detail to the House what exactly our proposals were and why they were put forward The House on that occasion passed without discussion the motion to refer the Bill to a Select Committee, thereby accepting the principle of the Bill All that I need do at this stage is to recall to the memory of Honourable Members very briefly the substance of what I said then. Hitherto the cess collected under the Act of 1921 has been administered by the Indian Lac Association, which is a private association, but registered under the law The Act would in the ordinary course have terminated unless it was specially extended at the end of the year 1931 Last year the Indian Lac Association intimated to Government their view that the whole system should be re-organised on a more permanent and satisfactory footing and that the Association should be relieved of duties for the adequate performance of which it felt it had neither the knowledge nor the experience required This Bill therefore provides for the constitution of a statutory body—of a committee to administer the expenditure of the funds which are collected by means of the cess The Bill has been carefully considered by the Select Committee to which it was referred They have found it necessary to make only one amendment in it of a purely formal nature. In these circumstances, Sir, I do not think I need take up any more the time of the House Sir, I move.

The motion was adopted

Clauses 2 to 12 were added to the Bill

Clause 1 was added to the Bill

The Title and the Preamble were added to the Bill

The Honourable Sir George Rainy . I move that the Bill, as amended, be passed

The motion was adopted

THE NEGOTIABLE INSTRUMENTS (SECOND AMENDMENT) BILL

The Honourable Sir George Schuster (Finance Member) I beg to move that the Bill further to amend the Negotiable Instruments Act, 1881, for a certain purpose, as reported by the Select Committee, be taken into consideration

This short Bill deals with a matter of practical importance to the commercial community which has been under discussion for several years Its object is clearly stated in the printed explanation and was also made clear by me in the Simla Session of last year when I moved my motion for the circulation of the Bill for opinions. At the same time, I wish to avoid any possibility of misunderstanding of the provisions of the Bill and I propose to give this House few short explanatory remarks. Honourable Members who are familiar with commercial practice are aware that the present law affords protection to bankers in the case of forged or unauthorised endorsements on order cheques . That is to say, if a bank has presented to it an order cheque which purports to be endorsed by or on behalf of the payee, the bank is discharged by the payment in due course, even though the payee's endorsement may have been

forged or unauthorised "Payment in due course" has a technical meaning and is defined in section 10 of the Negotiable Instruments Act which says .

"'Payment in due course' means payment in accordance with the apparent tenor of the instrument in good faith and without negligence to any person in possession thereof under circumstances which do not afford a reasonable ground for believing that he is not entitled to receive payment of the amount therein mentioned."

A bank therefore has a certain responsibility in the matter ; that is to say, a bank has to exercise reasonable caution or to avoid negligence. To give this protection to Banks is a common practice in all civilized countries, but under the Indian law as it stands it is not quite certain whether similar protection is given to banks in the case of a draft drawn by one office of a bank on another office of the same bank Such a draft is exactly analogous to a cheque and would be handled in the course of business in exactly the same way, but we have been advised that it is possible that it might be held that, under the Negotiable Instruments Act as it stands, a draft drawn by one office of a bank on another office could not be a cheque and would not be entitled to the same protection. The whole object of this short Bill is to make it clear that bankers are to have the same protection against the effects of forged or unauthorised indorsements in the case of such a draft as they have in the case of a cheque Therefore, nothing new is being introduced into commercial practice No dangers to the public are involved, and we are simply making it clear that this recognized form of protection applies in the case of drafts drawn by one branch of a bank on another branch of the bank

Now as I said at the beginning, this matter has been under consideration for some time, and I think it is fair to say that such differences of opinion as have been expressed about this Bill do not depend on objections to the object of the Bill but simply on a doubt as to its necessity. It is held by those who say that this Bill is unnecessary that the law already provides for the object which we are now seeking to provide for. The Bill has been circulated, and I think again it is fair to say that the overwhelming majority of the opinions received are in favour of legislation on these lines Of the dissentient opinions that have been expressed, only one or two raise objections to the purpose of the Bill, and again I think it is fair to say that those objections really seem to me to be based upon a misunderstanding of its purpose

In dealing with the question of opinions there is one matter to which I should like to call the attention of the House When the Bill was under previous discussion, I took the opportunity to talk over its provisions at some length with one who used to be an Honourable Member of this House and whose opinion on these matters was always regarded as representative I refer to my Honourable friend, Sir Purshotamdas Thakurdas. I had discussed this matter with him at the time and I had some further discussion with him at the end of the last Delhi Session, and this was followed by correspondence in the month of April I should like to read to this House the final letter which I received from him closing this correspondence I may explain to the House that we had some discussion as to whether, under the Bill as originally drafted, we should substitute the word "banker" for "bank" It was held by the Legislative Department here that it would be preferable to use the word "banker", but

[Sir George Schuster.]

Sir Purshotamdas Thakurdas, speaking for the interests which he represents, thought that that word might make the Bill a contentious one and I therefore agreed to meet his views and to retain the word "bank". After that decision had been communicated to him he wrote as follows

"In continuation of my letter to you dated the 22nd instant I have now ascertained the view of the Committee of my Chamber and they see no objection to the Government proceeding with the Bill in the Assembly, although, as you know, they have said before now that in their opinion the Bill is not necessary and is almost redundant. But inasmuch as they do not consider it harmful to the interests of the commercial community, they have no objection to Government carrying it through the Assembly should the Honourable Finance Member consider that necessary".

Well, Sir, after a careful consideration of all the circumstances, we are definitely of the opinion that it is necessary. In conclusion, I should like to say a few words on the minor amendments which have been introduced into the Bill as a result of the discussions in Select Committee. These concerned themselves with two points only. The Select Committee has added words which in effect give a definition to the word "draft". It is a curious fact that no definition of the word "draft" occurs in the Negotiable Instruments Act. I presume the omission is really due to the fact that the word is considered to be so well understood that no definition is necessary. However, it was suggested in some of the opinions received—and as noted in the Report of the Select Committee, those opinions came from particularly authoritative quarters—I would refer for example to the opinion of the Honourable the Chief Justice of Bengal—that the word "draft" ought to be defined. Therefore we have added in the Select Committee a definition of the word "draft" by adding the words, "that is, an order to pay money". I think that ought to leave the matter with no possibility of doubt. The only other amendment was of a very minor nature. We have substituted the word "office" for the word "branch" in the case of a bank, it having been thought that the word "office" is clearer than the word "branch". I do not think that I am called upon to give any further explanations, and with these words, Sir, I move

The motion was adopted.

Mr. President: The question is that clause 2 stand part of the Bill.

Mr. Saradindu Mukerjee (Calcutta Suburbs: Non-Muhammadan Urban): Sir, I have an amendment* standing in my name, but in view of what has fallen from the Honourable Sir George Schuster's lips, I think the question of cheques does not arise in this case because the law is clear on this point, and since the Honourable the Finance Member wants to make clear only the law as regards drafts, I think he has practically accepted my amendment.

Mr. President: So you do not move your amendment?

Mr. Saradindu Mukerjee: No, Sir, as my amendment has been accepted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

* "That in clause 2 of the Bill to the proposed section 85A the following proviso be added:

'Provided that a draft does not include "cheques" used locally in India'."

The Honourable Sir George Schuster : Sir, I beg to move that the Bill, as amended, be passed

The motion was adopted

THE INDIAN FOREST (AMENDMENT) BILL.

Mr. G S Bajpai (Government of India Nominated Official) Sir, I beg to move that the Bill further to amend the Indian Forest Act, 1927, for a certain purpose, be taken into consideration The Bill is, as Honourable Members must have seen for themselves, a very small measure indeed. It is intended to meet a situation arising out of the fact that sub-clause (*a*) of clause (*4*) of section 2 of the Indian Forest Act (XVI of 1927) does not contain any provision whatsoever for the regulation of the movement of the commodity known as "kuth" "Kuth" is a forest produce, which has a certain value in China where it is burnt as a incense and, we find, that inasmuch as there is no provision under the law at the present moment to enable us to regulate the movement of this commodity, there is a considerable amount of smuggling going on The commodity is produced largely in Kashmir, but it is also produced in certain parts of British India and in other Indian States The authorities concerned met in conference last May at Lahore and came to the conclusion that the best way to prevent smuggling, which, I understand, is calculated also to disturb public tranquillity, is to add the word "kuth" after the word "seeds" in sub-clause (*a*) of clause (*4*) of section 2 of the Act That, Sir, is the object of the amendment, and I hope that it will commend itself to the House Sir, I move

1 P M.

Dr Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) Sir, I would like to know whether the present Bill is moved for the benefit of the Indian States or for the benefit of British India The other thing, which I would like to request the Honourable the Mover to do, is to place before the House all the circumstances of the case which led the Government to bring forward this Bill, because there are a good many things talked about this affair and I should like to have some authoritative statement from the Member in charge of this Bill.

Mr. G. S. Bajpai : As regards the first question, Sir, asked by the Honourable Dr Ziauddin Ahmad, I should say that the Bill is intended to meet not merely the requirements of the Indian States but also the requirements of British India, because, in the Kulu Sub-Division of the Kangra District of the Punjab the growing of "kuth" is being encouraged, and it seems desirable that the Punjab Government should have authority to deal with the movement in British India of "kuth" that they may produce in their own forests and plantations.

As regards the second point, my Honourable friend said that there was a good deal that was being talked about this matter. If he had been good enough to specify what the nature of these conversations was, I would have been probably in a position to answer him So far as I

[Mr. G. S. Bajpai.]

am concerned, I think I have given all the facts relating to the necessity for this legislation. The position is that "kuth" finds a very valuable market in China and, because it finds a valuable market in China, and there is no provision under the existing law to regulate its movement through British India, people, both from British India and, more so, perhaps from Indian States, get hold of this commodity and smuggle it out of India The State primarily concerned, namely, Kashmir, and also the British Indian authorities, find that they really cannot do much in the present situation to deal with these smugglers because, under the law as it stands at present, it is not illegal to take this commodity called "kuth" across British India Inasmuch as both the Kashmir State and British India stand to lose revenue by the absence of any legal control over this smuggling, it is proposed to amend the Act

Dr. Ziauddin Ahmad : Did the suggestion for the amendment of the Act come from Indian States or from the Punjab Government ?

Mr G. S. Bajpai The suggestion came from the State of Kashmir, but it was considered by the Punjab Government as well as by the North West Frontier Administration

Dr. Nand Lal (West Punjab : Non-Muhammadan) Sir, the provision of the Bill, as proposed, appears to be of great importance 'Kuth" is of great monetary value It is imported into British India and it has got a good sale There was a lack of legislative sagacity when this word was not included and I am in support of the inclusion of this word "kuth" and therefore I support the Bill

Mr. President : The question is

"That the Bill to amend the Indian Forest Act, 1927, for a certain purpose, 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

Mr G. S Bajpai : Sir, I beg to move that the Bill be passed.

The motion was adopted

THE INDIAN TELEGRAPH (AMENDMENT) BILL.

The Honourable Sir Joseph Bhore (Member for Industries and Labour) Sir, I move that the Bill further to amend the Indian Telegraph Act, 1885, for a certain purpose, be taken into consideration This is a small measure rendered necessary by modern developments in aerial transport The existing Act makes provision for the grant of permission by rule to marine craft to operate wireless within Indian territorial waters All that this Bill now seeks to do is to extend that provision to the case of aircraft in or flying over British India or over Indian territorial waters Sir, I move

The motion was adopted.

Clause 2 was added to the Bill

Mr President : The question is that Clause 1 stand part of the Bill.

The Honourable Sir Joseph Bhore Sir, with your permission, I would like to move a purely formal amendment to this clause It is this ·

" That in clause 1, for the figures ' 1929 ', the figures ' 1930 ' be substituted ".

I ought to explain, Sir, that this Bill has been with the Legislative Assembly Department for over a year, and it is much regretted that this formal mistake was not noticed by me before Sir, I move the amendment

The motion was adopted

Clause 1, as amended, was added to the Bill

The Title and the Preamble were added to the Bill

The Honourable Sir Joseph Bhore : Sir, I move that the Bill, as amended, be passed

The motion was adopted

THE BOMBAY CIVIL COURTS (AMENDMENT) BILL.

The Honourable Mr H G Haig (Home Member) Sir, I beg to move that the Bill further to amend the Bombay Civil Courts Act, 1869, for a certain purpose, be taken into consideration This, Sir, is a small measure which has been introduced as a consequence of an amendment recently made in a local Act, the Bombay Civil Courts Act Under that Act, the jurisdiction of a Subordinate Judge of the second class extended only to original suits and proceedings wherein the subject matter did not exceed in value Rs 5,000 The amendment made in that Act has extended the limit for the jurisdiction of Subordinate Judges of the second class from Rs 5,000 to Rs 7,500 In section 26 of the Bombay Civil Courts Act, provision is made for appeals to the High Court from suits decided by Subordinate Judges, and as this matter relates to the jurisdiction of the High Court, it is necessary that any amendment should be undertaken in the Central Legislature The provision in section 26 of the Bombay Civil Courts Act is that in all suits decided by a Subordinate Judge of the first class, of which the amount or value of the subject matter exceeds Rs 5,000, the appeal shall be direct to the High Court In consequence of the amendment already carried out in the Local Legislative Council, there are now suits of the value of more than Rs 5,000 which will be decided by Subordinate Judges of the second class, and the object of this Bill is to provide that in such cases, the appeal from a Subordinate Judge of the second class as well as of the first class will go direct to the High Court.

Sir, I move

Dr Nand Lal : (West Punjab* Non-Muhammadan) : May I ask the Honourable Member whether there is no third class Subordinate Judge ? Is he aware of it ?

The Honourable Mr. H. G. Haig : I am not aware whether there is a Subordinate Judge of the third class. But in any case, if there is

[Mr. H G Haig]

such a Judge, he is not empowered to deal with suits exceeding Rs. 5,000 in value

Mr. President: The question is:

"That the Bill further to amend the Bombay Civil Courts Act, 1869, for a certain purpose 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 H G Haig: Sir, I move that the Bill be passed

The motion was adopted

THE BENARES HINDU UNIVERSITY (AMENDMENT) BILL

Sir Frank Noyce (Secretary, Department of Education, Health and Lands): Sir, I beg to move that the Bill further to amend the Benares Hindu University Act, 1915 for certain purposes, be taken into consideration

Sir, the objects of the Bill are very fully stated in the Statement of Objects and Reasons and it is unnecessary, I think, for me to say more than a very few words in support of a brief, but by no means an unimportant, measure. The Government of India have recently, as the House is aware, increased their annual grant to the Benares Hindu University from 1¼ lakhs to 3 lakhs, and have given the University a non-recurring grant aggregating 15 lakhs, with the object of enabling it to liquidate its indebtedness, to balance its budget, to improve its staff and to provide for the normal expansion of its Engineering College. In view of the fact that these grants amounted to a considerable sum, the Government of India felt that it was in the best interests of the University that a Standing Finance Committee should be established which would examine the annual accounts and financial estimates of the University and rule out expenditure in excess of its income and resources. This suggestion was very readily accepted by the authorities of the University and the present Bill is the outcome of their acceptance. The details of the constitution, powers and duties of the Committee will be prescribed by Statutes which will be framed under the provisions of the existing Act. As the House will see, opportunity is also being taken of the amendment to the Bill for this purpose to embody certain provisions taken from a Bill of which Pandit Madan Mohan Malaviya gave notice in 1926, but with which he was unable to proceed further. These relate to certain matters of domestic concern, but the Government of India have very willingly accepted the suggestions of the University authorities on these points.

The only point I wish to urge in conclusion is that this Bill has the full concurrence of the Vice-Chancellor and the Court of the University of Benares and that therefore there is nothing in any way contentious about it. Sir, I move.

Dr. Nand Lal (West Punjab Non-Muhammadan) : Sir, I support the Bill I have examined the provisions of the Bill and I am of opinion that it is all right

Dr Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) Sir, I cannot see the significance of the unusual procedure adopted in this particular Bill, and why it has not been referred to any Select Committee There was plenty of time ; the Select Committee could have met during the sittings of this Assembly and could have reported in time to pass the amended Bill. There are one or two very important considerations which I would certainly have brought to the notice of the Select Committee had it been suggested and I take the opportunity of bringing them before the Assembly now

Mr. President : Has the Honourable Member sent any amendment to the motion of Sir Frank Noyce asking that the Bill should be referred to a Select Committee ?

Dr. Ziauddin Ahmad : I sent no amendment or proposal of that kind, for which I express my regret So I shall speak on the original motion

The Bill provides for an increase in the number of members of the Syndicate from 17 to 20 Of course this is an important consideration, and it would have been far better if Government had taken this opportunity to move for a fundamental change, that fundamental change being that the constitution of the Syndicate ought to have been provided for in the Statutes and not in the Act That is the procedure adopted in the Aligarh and other Universities Acts, so that, whenever there is a change in the number, the Legislative Assembly is not troubled with it and it becomes only a question between the Government of India and the University authorities In some other University we have seen that the number of the executive body was reduced from 30 to 3, and probably the time is not far distant when they will have to raise it again from 3 to some other number It was very fortunate that, in the constitution of that University, the constitution of the governing bodies was not prescribed by the Act but by the Statutes Therefore, I would have very much welcomed it, had Government brought forward a motion, on these lines instead of only increasing the number from 17 to 20 The question of number should be fixed by the Statutes and not by the Act, and the Assembly may be relieved from the discussion about the increase from 17 to 20 and perhaps after some time again another change may be made from 20 to 11, or so

Coming to the merits of the question itself, I am very doubtful whether the increase in the number of the Executive Committee is an expedient and wise move Under the old Universities Act, in the case of the Syndicate, which deliberated both on the academic and on the financial side of the Universities, the number of members never exceeded 17 or 18. Here in the Benares University the executive of the academic and financial sides are separated. The executive part is in the hands of the Council, the academic part is in the hands of the Syndicate. Besides, they have got faculties also to deal with important questions of common interest. It is very desirable that the executive academic committee should be a compact body of a smaller number which may be able to act in unison and quickly. It would not happen if the number was

[Dr Ziauddin Ahmad]

increased Therefore I would have very much liked Government to consider whether, instead of discussing the question of numbers on the floor of the House, they could not have transferred this particular provision to the Statutes and left the University to change the number with the permission of the Government of India or the Local Government, as the case might be I think that would have been a very desirable method, and had Government not been in precipitate haste in bringing forward this Bill, I would certainly have made a suggestion which I am sure they would have accepted, and the University would also have accepted it The academic opinion also would have endorsed that this kind of change ought not to be discussed on the floor of this House but should be settled by the University and the Government by mutual consent

Now, Sir, I come to the really important issue which has led to the introduction of this Bill On the face of it, it appears to be a very innocent proposition It aims at simply adding one more authority to the University in the shape of a Standing Finance Committee But we know that there is something deeper in apparently innocent propositions Government always present bitter things in sugar coated form, so that people may not look into the inner meaning of the whole thing Why is the change needed ? Section 27 of the Act says

"The following shall be the authorities and the officers of the University and such other authorities and officers as may be provided for by the statutes"

In the face of this provision that any authority can be created by the Statutes, is it necessary explicitly to provide it and add one more clause ? I will give the answer myself Here is another clause about the change of the Statutes Section 17 of the Benares Hindu University Act says that the Statutes can be altered with the permission of the Governor of the United Provinces But whenever they want to change the constitution of the Senate and Syndicate, the Court and the Council, the permission of the Local Government is not enough They must also come to the Government of India for permission Therefore, they wanted to provide in this Act that a change of the constitution of the Standing Finance Committee should not be made with the approval of the Local Government alone, but it must also come to the Government of India It is evident that mention cannot be made of the Standing Finance Committee in the last proviso of the section unless it is also mentioned in section 7 of this Act Why are the Government of India specially interested in providing this particular proviso ? It is a truism that whenever the question of control comes in, both the Government of India and the Local Government vie with each other in claiming that these two unfortunate Universities, Aligarh and Benares, are under them. The Government of India on the one side maintain that they are the authority for them, the Local Government try to impose still greater authority over these two Universities In fact every one claims to exercise authority over these Universities. The United Provinces Legislative Council several times, without division, sanctioned grants for the Benares and the Aligarh Universities The unanimous wish of the Members of the United Provinces Council was always ignored by the United Provinces Government on the ground that these two Universities

do not come under them , they have no concern with them. They are not transferred subjects, but they are subjects directly under the Government of India, and therefore they could not give any grant whatsoever.

Then we come to the question of State scholarships. The Government of India constituted special State scholarships, but they did not make them available to the Benares and Aligarh students They said it was not their concern They give scholarships to the Frontier Province, Delhi, Ajmer-Merwara and not to Aligarh and Benares. Whenever these scholarships are instituted by the United Provinces Government, they explicitly exclude the Aligarh and the Hindu Universities from the award of these scholarships So that when it is a question of scholarships, one Government shoves these two Universities on to the other, but whenever the question of control comes in, each Government maintains that these two Universities are under them and tries to put as many screws on as possible This thing would not have been needed if, in sub-section (*4*) of section 17, they had added that the change of Statutes would require the permission of the Government of India, and all these difficulties would have been solved and this double control, which is now being exercised over these Universities, would have been avoided

Now coming to the subject matter of the Finance Committee, the University has been in existence for about 15 years now There has been a Finance Committee working there for these 15 years and no action has been taken about it If their expenditure had been irregular, it would have been very desirable to draw their attention to it in time and not to continue waiting for a long period of 15 years and then come forward in the end with a bomb shell in the shape of creating a special Finance Committee with a Government spy in it

The Assembly then adjourned for Lunch till Twenty Five Minutes to Three of the Clock

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The Assembly re-assembled after Lunch at Twenty Five Minutes to Three of the Clock, Mr President in the Chair

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Dr. Ziauddin Ahmad : Sir, I pointed out before Lunch that, instead of moving a change in the number of members of the Syndicate, it would have been more profitable to the University, to the Government and certainly to the Legislature if they had amended the section, and transfer the constitution and powers of the Syndicate from the Act to the Statutes. Then it would have been open to the University and to the Government to go on playing with the change of numbers and we would have saved our time This procedure is provided in the Acts of the modern Universities including Aligarh University, and I thought the present opportunity would be utilised for this particular change

As regards this Standing Finance Committee proposed in the Bill, I would like to know from the Honourable Member in charge of the Bill as to what was the constitution of the Finance Committee from the beginning up to the present time, and what changes the Government of India have proposed in the constitution of this new Finance Committee which they are now introducing by this Bill Of course, it is said that

[Dr. Ziauddin Ahmad]

these suggestions have been accepted by the University That may be true , but since the Government give a very big grant, no University can refuse their demand I should like to know whether the suggestion for the change in the constitution of this new Standing Finance Committee came from the Government of India, or whether it originated from the University I would like to have information on this point as well

Sir Frank Noyce : I am sorry that I did not catch the last point on which the Honourable Member desires to have information

Dr. Ziauddin Ahmad : Whether the suggestion for the change in the constitution of the Finance Committee originated from the University or from the Government of India The Honourable Member may say that there had been irregularities in the financial arrangements of the University Supposing that was correct, why did not Government draw the attention of the University to it in time Had timely action been taken by the University, there would not have been any necessity to adopt the measures which they are now proposing in the constitution of the Finance Committee This is really one of the important defects in the present organisation of the Universities in general, that they have not got any organisation like the Grants Committee in England which might give timely advice to the Universities and avoid ultimate crises When this new Advisory Board is established, then one of the important things they would look after would be that they would be giving timely advice to educational institutions, and these irregularities, which are now allowed to accumulate, will probably disappear and timely advice given to the Universities will certainly help in avoiding crises which might lead to some extraordinary action either by the University or by the Government Therefore, it is very desirable that the Government of India should formulate some kind of policy about higher education Of course I am not discussing other aspects of education at present, which may be entrusted to this new Advisory Board, and which I would very much like to be established at an early date I sent in the notice of a Resolution to this effect last Delhi Session and I sent in a notice again this time, but both times it was ruled out by the ballot, and so I did not get an opportunity to move it Of course I do not want to discuss the Advisory Committee on this particular Bill, but I would certainly say that that Committee might function in the same manner as the Grants Committee, in the case of Universities Of course it will have other functions as well in connection with other aspects of education, dissemination of information and advice to students who desire to go abroad But I do not want to discuss those points now I do feel that, although the Government have not utilised the present opportunity and have not moved the right motion, which they ought to have moved in order to make the affairs of the University more efficient, they had only one thing in their minds, namely, how to keep control over the affairs of the University. To my mind this is a very unimportant thing The thing which we ought to look after is undoubtedly the efficiency of the University and not control either by the Local Government or by the Government of India in which alone the Mover of the Bill is interested, because the whole object of the Bill is to transfer the power of altering the constitution of the Finance Committee from the Local Government to the Government of India I

say that this and this alone is the object of introducing this particular Bill. I maintain that Government ought to introduce some machinery which might help to avoid similar occurrences in this and other Universities in future by giving suitable, timely advice. I do not want to oppose this particular Bill, but I do regret that the Bill has not been rightly drafted, if the Government had given us an opportunity to refer the matter to Select Committee, then probably it would have come out in a more useful form and included suggestions for more efficient working of the Universities With these remarks, I close my observations

The Revd J C Chatterjee (Nominated Indian Christians) . Sir, the Honourable and learned Member, Dr Ziauddin, seems to have smelt a hare and has hunted extensively and long to unearth his quarry. But as I read this innocent looking Bill, it seems to me that the covert is not thick enough to hide even a rat, and therefore I think that the learned Member has to some extent unnecessarily exorcised himself. At all events, if we look at the Statement of Objects and Reasons of this Bill, we find at the end the following significant words "This Bill gives effect to the above proposals, which have the full concurrence of the Vice-Chancellor and the Court of the University" It seems to me that if the Vice-Chancellor and the Court of the University of Benares have given their full concurrence to these proposals, they could not have done so without the closest scrutiny Although, I have the greatest admiration for the ingenuity and efficiency of the Education, Health and Lands Department, yet I am certain that even they are not astute enough to throw dust into the eyes of such astute and learned gentlemen as the Vice-Chancellor and the members of the Court of the University of Benares So, if there had been something suspicious about this Bill, they would have certainly smelt it and would have raised a great deal of dust about it, and since they have not done so, it seems to me that the fears and suspicions of my Honourable and learned friend are to some extent or largely unfounded. The main objection he has to the Bill apparently refers to the constitution of this Standing Finance Committee by statute From the experience I have had for some years in the Standing Finance Committee it seems to me that the two Universities of Aligarh and Benares as well as others, are constantly coming up to the Central Government for large grants The Universities of Aligarh and Benares have lately asked for very large sums of money—and I believe rightly—for the use of their Universities Those sums of money were asked for and have been provided by the Central Government It is therefore only right and proper that the Central Government, the custodian of the money of the taxpayer, when it makes such large grants, in however worthy a cause, should exercise a certain right to examine and scrutinise how that money is spent, and therefore it seems to me to be strange that the Honourable and learned gentleman should question the right of the Central Government having a certain amount of say in the constitution of this Standing Committee. The funds are not being provided by the provincial Governments on this occasion; they are being provided by the Central Government, and therefore it is but right and proper that the Central Government should exercise some control over the expenditure of those funds.

Then there is another point, Sir While these grants were asked for and various memoranda were presented to the Standing Finance

[The Revd J. C Chatterjee]

Committee, it appeared that a great deal of criticism about the manner in which certain funds have been spent in a particular University was made That is not a secret , it is public knowledge. It is therefore necessary that a strong Standing Committee should be created by statute to regulate these funds and to make it answerable to Government, who provide the funds I think it is only right that such a body should be created

Then my Honourable and learned friend is well aware that a great many Universities have these Standing Finance Committees Drawing a parallel from my own University of Delhi, we have got a body which is almost on all fours with the body which is now proposed for the Benares Hindu University We have a Standing Committee which sits for three years That is for the normal term of elections in our University, and that is what is being proposed for the Benares Hindu University. I am not aware what the exact composition of this Standing Finance Committee is going to be, but I have no doubt that with the one or two nominees, who ever they may be, of the Government or rather of the Chancellor or the Rector, there would be certain elected representatives on the Court That I must say, my friend will agree, is very nearly the same as in the other Universities There also we have Standing Finance Committees, and whether they are Standing Finance Committees created by the Universities or whether they have been actually created by statute, to my mind it makes very little difference

Dr Ziauddin Ahmad : On a point of order, Sir. The Finance Committee has been in existence for 15 years.

Mr. President : That is not a point of order

The Revd. J C Chatterjee : I am quite aware, Sir, that the Finance Committee has been in existence, and I believe the intention of this Bill is to strengthen it so as to make it responsible to the authority which provides the grants that the University is now asking for I was just saying that, in my own University of Delhi, there is a Finance Committee, on which the nominees of Government sit, for the simple reason that the University of Delhi is dependent upon Government for a very large portion of its revenue, and nobody has taken objection to it, because people who provide the money must have a certain amount of say as to the manner in which it is going to be spent I think, Sir, the Honourable Member is unduly suspicious and that he is unnecessarily worrying himself over a matter in which there is very little to fear

The other point he has referred to is the proposal for raising the number of the members of the Syndicate I again feel that it is a very healthy change, because to increase the number of members of the Syndicate of a large University like that of Benares, which is in some way an All-India institution, from 17 to 20, is all for the good Even in a small University like that of Delhi, the members of the Syndicate, or the Executive Council as it is called, exceed 20 So in a University like that of Benares, where so many interests have to be represented, it seems to me that the raising of the number from 17 to 20 is a step in the right direction, and whether it is done by statute or by some other method, to my mind the procedure makes very little difference It is

a practical proposal, and has the full support, as we are told, of the Vice-Chancellor and of the Court of the Benares University, and therefore we in this House ought to have no apprehension in passing this Bill

Mr. M. K. Acharya (South Arcot *cum* Chingleput Non-Muhammadan Rural) Sir, I shall not take much time of the House, but I only want to say just one or two words I found doctors on either side disagreeing When doctors disagree, laymen like me have to be very cautious The learned doctor on this side came forward with some of his objections, and the reverend gentleman from that side came forward with what he considered to be his replies to those objections, and I was simply wondering how I could best adjust the two sides, and it looked to me as if my reverend friend was trying to measure the scale of the Benares University with that of the Delhi University

The Revd J. C Chatterjee : Not at all

Mr M K Acharya or possibly my Honourable and learned friend on this side was trying to compare the scale of the Benares University with that of the Aligarh University Any way, I am not concerned with any scale, whether borrowed from Delhi or from Aligarh All that I want to say is this It is very unfortunate that my old friend Pandit Madan Mohan Malaviya is not here in this House today when a Bill like this is introduced, because probably he is the person best qualified to speak and to tell us once for all how far this Bill will satisfy the authorities of the Benares University I am not at all concerned with the reconstitution of the Standing Finance Committee I never take much trouble about these things How many Members are going to be on the Standing Finance Committee or who is to appoint them, these are matters which I leave to the practical genius of practical gentlemen I am a dreamer and philosopher , and these numbers 17 or 20 do not trouble me at all There is only one feature in this measure which I think I should welcome, and that is all that I wanted to say There will be an examination in Hindu religion for all Hindu students It seems to be one of the changes that are in contemplation, and I welcome that change I believe it was about years ago that I paid a visit to the Benares Hindu University , and I stayed there for three or four days with somebody, and it then impressed me that the so-called Hindu University in Benares was just as good or as bad as any of the big first grade colleges in South India There was nothing particularly Hindu about it, except that all the students that were receiving education in that University happened to be students who are, I suppose, in the Census Report described as Hindus Of course, in the Census Report a Hindu is one who is neither a Muhammadan nor a Christian

Dr. A Suhrawardy : Is that the definition ?

Mr. M K Acharya : I believe it is so

The Revd J. C. Chatterjee : Nor a Parsi

Mr. M. K. Acharya : Nor a Jew So I do not believe that the Census Officers, or even the Government of India for that matter, are yet sure as to who a Hindu is I am supposed to come from a non Muslim constituency ; that is all. That is all the definition of my constituency, and I am a non-Muslim I think, Sir, in that respect the

[Mr M. K Acharya.]

Hindu University is non-Muslim and non-Christian. There was no Muslim or Christian religious teaching given in that University I myself graduated from a Christian college, and I learnt plenty of the New Testament in my college, and I do not ever regret that I did learn it In any case, it struck me in those days that, although something was shown in the time table by way of religious instruction to the boys, yet very little was actually given And in passing I may say that in the days in which I was a teacher myself in charge of an educational institution, I always made it a great point to impart religious instruction on non-sectarian lines to the pupils—in fact at one time I even went to the length of moving the Madras Government to appoint a Committee on the subject I had to write a book on the subject for the benefit of the High School boys in the Madras Presidency—that was all in the old days Any way, I took some interest to see what kind of religious instruction was imparted to the students of the Benares University , and it struck me that very much more might have been done than was actually done in those days I hope there is a change now coming on, and that the students of the Benares Hindu University will not be just nominally receiving instruction in the Hindu religion, in Hindu ideals and Hindu Dharma, but they will receive really sound and good instruction so as to be able to stand the test of an examination, if need be, in the instruction which is supposed to be imparted to them

Therefore, I think that this provision that there would be an examination also and not merely instruction so as to make sure that the boys do learn something is, on the whole, a fairly satisfactory innovation I admit one may know all the scriptures and yet may be as bad a renegade as anybody can be Therefore, there is a good deal of difference between learning and actual conduct in life However, there is this fact of being the knower of one's religion, whether one follows it or not Knowing one's religion, one may be tempted to follow it in due course That was an innovation which I thought was welcome That is all that interested me in this Bill For the rest, I hope that now that the expert on one side has been answered by the expert on the other side, a layman like myself may on this occasion at least vote with the Government and see the Bill passed

Sir Frank Noyce : Sir, my Honourable friend Mr Chatterjee has made such an able defence of this measure that it is unnecessary for me to add very much to what he has said Dr. Ziauddin has accused Government of precipitate action in bringing the Bill forward The papers I have in front of me are, I think, sufficiently thick to rebut that charge This Bill has been under consideration for at least a year, and short and simple as its provisions appear to be, they have been the subject of very prolonged discussion with the Vice-Chancellor of the University I myself have spent several hours with him in devising a measure which will be equally satisfactory to Government and to the authorities of the University

Dr Ziauddin has asked why the Bill was not referred to a Select Committee It was because we were satisfied that it was acceptable to the authorities of the University, and because, as I have said, that its provisions are simple and no question of drafting arose, that we did not

consider that it was necessary to refer it to a Select Committee Dr Ziauddin thought that, if that had been done, opportunity might have been taken so to amend the Benares Hindu University Act as to bring such questions as the number of the Syndicate within the operation of the Statutes instead of that of the main Act I think, if he had looked up the history of University legislation in this country, he would have realised why such an amendment would not have been desirable nor acceptable to the University The Benares Hindu University Act dates from before the Report of the Calcutta University Commission. Since that Commission reported, its advice in regard to the drafting of University Acts has been followed, and such matters as Dr Ziauddin has mentioned are now brought within the operation of the Statute. If we had made an amendment bringing the number of the Syndicate within the Statutes, we should have had to do likewise with regard to the constitution of the other authorities of the Benares Hindu University and that would have meant a very extensive remodelling of the Act, which hardly appears necessary

Now, I come to the main point, which is the necessity for a Standing Finance Committee for the Benares Hindu University Dr Ziauddin referred to this requirement as a bombshell to the University I think myself that Universities would welcome bombshells of this kind which "burst with blessings on their heads" The bursting of such a bombshell has its advantages and disadvantages and the disadvantage in this case is, of course, that the grants to the University have been made on the condition that it sets up a strong Standing Finance Committee It has in the past had a Finance Committee, but it is an entirely informal body which was not constituted under the Act or under the Statutes I venture to think that when Government increase the annual grant of the University from Rs 1¼ lakhs to Rs 3 lakhs and give it non-recurring grants to the extent of Rs 15 lakhs, they are justified both in their interests, in the interests of the taxpayer and in those of the University in taking steps to see that the grants are properly administered That is also the opinion of the University, as I have said The University authorities have never raised any objection whatever to the constitution of a Standing Finance Committee The only objections they did raise were as to the manner in which it should be constituted, and those objections have now been met fully and completely I was asked how this Standing Finance Committee is to be composed It will consist of the Vice-Chancellor *ex-officio*, who will preside over its meetings, one member of the Court, who will be nominated by the Lord Rector, one member who will be nominated by the Vice-Chancellor, and two members of the Court who will be elected by the Court I submit that there is no Government spy on that Committee, it consists entirely of the members of the Court who presumably enjoy the confidence of the University

Dr. Ziauddin Ahmad : No representative of the Government of India ?

Sir Frank Noyce : The nominee of the Lord Rector. There is no question of the Government of India controlling the activities of the Standing Finance Committee it will have full power in its own sphere. All that the Government of

3 P M

[Sir Frank Noyce.]

India insist on—and I think they are justified in insisting on—is that any change which may be made in the Statutes constituting the Standing Finance Committee shall come up to the Governor General in Council for approval This House has constituted a Standing Finance Committee of its own and I cannot but conceive that a Standing Finance Committee cannot but be of great advantage to a University It is, I submit, from the Standing Finance Committee thus constituted that the University can expect the advice which Dr Ziauddin thought should be tendered by the Government of India or by a body constituted by the Government of India I hardly think that the Education Board, whose formation he envisages in the near future, would be in a position to give the University advice in regard to the management of its finances, or that, if such advice was given, it would be altogether welcome to the University which is very jealous of its autonomy

I think, Sir, I have said sufficient to show that the Bill is a salutary measure, and I repeat once more—and I am sure the House will agree—that there cannot be anything radically wrong with a measure which is acceptable both to the University authorities and to the Government of India.

Dr Ziauddin Ahmad : Will the Honourable Member please answer two of my questions which I have already put ? One is, who originated the proposal of a Standing Finance Committee, and the other is, whether the decision of the Standing Finance Committee shall be final or subject to revision by the Council of the Court ?

Sir Frank Noyce : I am sorry I omitted to answer those questions I think the reply is really implicit in what I have stated The suggestion that there should be a Standing Finance Committee emanated from the Government of India, which felt, as I have said before, that, in making grants of the large amounts I have mentioned, they ought to have some means of assuring themselves that they were properly administered and that there would be no more bombshells coming in another fifteen years' time The second question is whether the constitution of the Standing Finance Committee has the approval of the Court I can assure the Honourable Member that that is the case I have before me the draft Statutes regarding the constitution of the Standing Finance Committee, which have been sent to us by the Court.

Dr. Ziauddin Ahmad It has been imposed on the so-called autonomous University

Mr President : The question is :

"That the Bill further to amend the Benares Hindu University Act, 1915, for certain purposes, be taken into consideration."

The motion was adopted

Clauses 2, 3, 4 and 5 were added to the Bill.

Clause 1 was added to the Bill

The Title and the Preamble were added to the Bill.

Sir Frank Noyce : I move that the Bill be passed.

The motion was adopted

RESOLUTION *RE* CONVENTION FOR PROTECTION OF WORKERS AGAINST ACCIDENTS

The Honourable Sir George Rainy (Member for Commerce and Railways) : Sir, I move

" That this Assembly having considered

(1) the Draft Convention concerning the protection against accidents of workers employed in loading or unloading ships ,

(2) the Recommendation concerning reciprocity as regards the protection against accidents of workers employed in loading or unloading ships , and

(3) the Recommendation concerning the consultation of workers' and employers' Organisations in the drawing up of regulations dealing with the safety of workers employed in loading or unloading ships ,

adopted by the International Labour Conference at its Twelfth Session recommends to the Governor General in Council that he should examine the possibility of giving effect to the above Convention and the Recommendations and that the results of this examination should be placed before the Assembly within eighteen months from this date "

I have only a few words to say in respect of this Resolution, but I think it is due to the House that I should tell them what exactly are the reasons which have made it necessary to bring it forward As the House will see from its terms, it does not commit the House to any definite expression of opinion, but it conveys an injunction to the Government of India to proceed with its examination of the question, and to place its proposals before the Legislature within a period of 18 months The necessity arises in this way Under Article 425 of the Treaty of Versailles, the member Governments have bound themselves to bring any draft convention or recommendation adopted by the International Labour Conference before the competent authority empowered to take action, within 18 months from the date when the draft convention or recommendation was adopted In this case the period of 18 months will expire on the 21st December next, and as legislation will be necessary before the Government can ratify the Convention, it is necessary in order to comply with the provisions, of the Treaty, that the draft Convention and the Recommendations should be brought before the Indian Legislature this Session, because before the next Session begins, the period of 18 months will have expired The nature of the Resolution being what it is, I do not think it is necessary for me to go into any great detail as to the terms of the Convention It provides a a pretty complete code for the protection of workers, employed whether ashore or afloat, in loading and unloading ships In a matter of this kind, it is obvious that we could not in any case come to decisions without consulting Local Governments, commercial bodies, shipping interests and the Port Trusts and we started consulting them some time ago. We have not, however, yet received the opinions of all Local Governments, and we shall not be in a position to formulate our proposal until we have their replies Thereafter the whole matter will be taken up and in due course the proposals of the Government of India will be placed before this House Sir, I move

Mr N. G Ranga (East Godavari and West Godavari *cum* Kistna : Non-Muhammadan Rural) I learn from the reports submitted to the Government of India by its delegates to the International Labour Conference that this particular proposal was placed before them by the Government of India in April last Their delegates to the International Labour Conference claimed that it was not possible for them to ratify

[Mr. N G Ranga]

or to accept this particular convention on behalf of the Government of India, in view of the fact that the Government of India had such short notice In fact this was the same claim that they advanced in reply to my Honourable friend, Mr Matin Chaudhury, who criticised their attitude Sir, I learn from the Honourable the Leader of the House that the Government of India has not yet had sufficient time to consult Local Governments and also the other organisations which are concerned with this particular matter It is also learnt from him that the Government of India have had replies only from a few provinces and not from all I should be very grateful to the leader of the House, Sir George Rainy, if he would inform me whether they received the proposal from the International Labour Office in April, 1930, or April, 1929 If it was in April, 1929, that the Government of India were appraised of this convention of the International Labour Conference, certainly they have had more than enough time to consider this If they had notice only in April last, that is three months ago, then to ask for 18 months' time to give the necessary consideration for this particular convention, in order to arrive at their own recommendations, is rather an extraordinary thing, because it shows that the Government of India are not really anxious to help the workers of this country—dockyard workers and workers employed on steamers—as soon as possible

It is a notorious fact that in most of our docks and shipyards, no attention has been paid till now by the Port Trusts or the employers to take the elementary precautions to prevent accidents to the workers , and even when accidents have occurred, very little attention is given to the question of giving necessary compensation to these workers I am conscious of the fact that there is a Workmen's Compensation Act, but by reason of the fact that these dockyard workers have not been organised properly, this Act has failed to give sufficient redress or sufficient assistance to these workers Government have not taken care to see that the employers are persuaded to take the necessary precautions, and what is worse, there has been negligence on the part of employers as well as of Government But to-day Government come to us and ask for a period of 18 months in order to formulate their own proposals The other day (*i.e*, 7th July, 1930), when my Honourable friend, Mr Matin Chaudhury, drew the attention of the Honourable Sir Joseph Bhore to this question and inquired why Government should ask for six months' time to consider that particular convention regarding the industrial accidents of workers, he was given the answer that Government had to circulate that particular convention to all the Local Governments and to get the necessary replies before they could formulate their own conclusions and place them before this House Sir, a period of six months was found necessary for that particular convention, so is not that period long enough for this particular convention also ? If this period is not long enough, at most one year should be quite enough Why do Government want 18 months ? This question is very important, and I sincerely hope that the Honourable Sir George Rainy will try his best to see that proposals are placed before this House within at most one year from now. Secondly, Sir, there is a third section—the recommendation concerning consultation between workers and employers over the drawing up of regulations dealing with the safety of workers employed in loading and unloading ships Here I learn that

some of the urban workers working in the dockyards of cities are organized into trade unions and therefore it is quite possible for them, or it may not be impossible for them, to safeguard their own interests when this particular question comes up for discussion, but what about those workers employed on small sailing ships and also in inland ports? These workers are not at all protected because they have no organisations for themselves Therefore it is quite easy for Government to ignore them if their case is not placed before them properly I would request the Honourable Sir George Rainy to take note of this fact and to try his best to see that proper representation is given to these people also on any committees or councils which may be held to get this particular convention discussed at the proper time. Thirdly, Sir, I do not know whether the Government of India propose to apply this particular convention only to the seaports or to inland ports as well There was a discussion on this point at the International Labour Conference, and the majority of the delegates were of opinion that this particular convention should be made applicable to workers employed both at the seaports and also in the inland ports, and to workers employed on the shore and also on board steamers Now I would suggest that it would be in the interests of the dockyard workers in this country, and those workers employed on the steamers and sailing ships, if this particular convention were to be made applicable not only to workers at the ports, but also to the workers in the inland ports of this country and to workers on the shore as well as workers on board steamers Lastly, Sir, there is a provision made in this convention that a Government, if it was found to be necessary, should be authorised to exempt any small steamer or any small inland port from the provisions of this particular convention Sir, I think this is a very dangerous provision If this particular authority to exempt sailing ships or certain inland ports were to be given to the Government of India, I am perfectly sure, Sir, that the Government of India would try to exercise this power in as many cases as possible, to the detriment of the ultimate interests of the unorganised and helpless workers of the inland ports Therefore I give this particular caution to the Government of India not to try to take advantage of this particular provision, but to try their best to extend the benefits accruing from the application of this convention to the workers employed in inland ports also

The Honourable Sir George Rainy: Sir, I should like to say a few words in reply to what has fallen from my Honourable friend He seemed to think that, in this case, the Government of India have been extraordinarily dilatory Now what actually happened was this The Convention and the Recommendations were adopted by the International Labour Conference in its Twelfth Session in May and June, 1929 Owing to the procedure of double discussion which obtains in the International Labour Organization—first discussion in one year and a second discussion in the next—and owing to the delay which takes place before papers reach the Government of India from the International Labour Organization, we had literally no time whatever to consult Local Governments and the other interests concerned In these circumstances it was clearly impossible for the Government delegates at the Twelfth Session to take a decided line, and it was the more necessary, after we received the draft Convention and Recommendations,

[Sir George Rainy]

that we should take steps to see that these important questions were fully examined The papers were issued from the Office of the International Labour Organization at Geneva in September, 1929, and they finally reached the Commerce Department about the middle of November. There was no delay in issuing a circular to Local Governments asking them to give their own opinions and to obtain the opinions of the interests concerned, and considering that this is the first occasion on which we have had a real opportunity of examining them, I do not think there has been any undue delay Now my Honourable friend put a question He wanted to know whether these provisions in the Convention and in the Recommendations would apply to the inland ports Sir, my Honourable friend is in a position to answer his own question If he will read the draft Convention and Recommendations, as no doubt he has already done, he will find that the provisions do apply in many cases to the inland ports as well as to the seaports. Now when the International Labour Conference have adopted a Convention, the member-Governments can decide for themselves whether they will ratify or not, but they cannot ratify with reservations Therefore, the answer to the question is that, if the Government of India finally decide that the Convention should be ratified, and if the Legislature should concur in that decision, because in order to make it effective legislation is necessary, then in that case the provisions will apply both to the seaports and to the inland ports I think, Sir, that really answers most of what fell from my Honourable friend, and it is perhaps unnecessary that I should say more

Mr N G. Ranga : Does the Honourable Sir George Rainy propose to give due representation to inland workers employed in inland ports who are not properly organised at present ?

The Honourable Sir George Rainy : I am afraid I cannot give an answer to that question at this stage, but I will certainly promise that what my Honourable friend has suggested will be considered

Mr. President : The question is that the following Resolution be adopted

" This Assembly having considered :

(1) the Draft Convention concerning the protection against accidents of workers employed in loading or unloading ships ,

(2) the Recommendation concerning reciprocity as regards the protection against accidents of workers employed in loading or unloading ships , and

(3) the Recommendation concerning the consultation of workers' and employers' Organisations in the drawing up of regulations dealing with the safety of workers employed in loading or unloading ships ;

adopted by the International Labour Conference at its Twelfth Session recommends to the Governor General in Council that he should examine the possibility of giving effect to the above Convention and the Recommendations and that the results of this examination should be placed before the Assembly within eighteen months from this date "

The motion was adopted.

RESOLUTION *RE* CONVENTION CONCERNING THE MARKING OF WEIGHT ON HEAVY PACKAGES TRANSPORTED BY VESSELS

The Honourable Sir George Rainy (Member for Commerce and Railways) . Sir, I move .

" That this Assembly recommends to the Governor General in Council that he should ratify the Draft Convention concerning the marking of the weight on heavy packages transported by vessels, adopted by the International Labour Conference at its 12th Session held at Geneva in May June, 1929 "

This Convention, Mr President, is a very simple one It requires that any package or object weighing one metric ton or more consigned for transport by sea or inland waterway, shall have its gross weight plainly and durably marked upon it on the outside before it is loaded on a ship or vessel The object of this Convention is to protect the worker against the danger to which he is exposed if heavy packages which must be loaded or unloaded on a ship by mechanical means do not have their weight marked on them Obviously, it must seldom be possible to move a package weighing more than one metric ton by hand, and therefore it has to be moved by mechanical means If the weight is not marked, a crane or derrick may be used to lift the package though it is not really strong enough to carry it If the crane broke, there might be great danger to the life and limb of those who were employed in working the cargo Since that Convention was adopted, we have consulted Local Governments, Local Administrations, commercial bodies and the other interests concerned on the question whether we should ratify the Convention or not The opinions we have received are practically unanimous that the Convention should be ratified, and the only two dissentient opinions we have received are from the Bombay Chamber of Commerce and a firm in Madras After considering the opinions, the Government of India are clearly of opinion that it is desirable that the Convention should be ratified

Then we have also considered the question whether special legislation will be necessary, but as far as we can judge there is no present need for such legislation The Port Trusts under their various Port Trust Acts have the power to frame bye-laws for the safe and convenient use of wharves, docks, piers, etc , and we believe that it will be quite possible to enforce the Convention by means of such bye-laws. In one port, namely, Chittagong, the position is rather exceptional, because the jetties belong to the Assam Bengal Railway Company The Company, however, is willing to enforce the necessary rules to secure compliance with the Convention by virtue of their powers under the Indian Railways Act

As regards the inland waterways, our information is that cranes are very seldom employed in the loading and unloading of vessels, and packages weighing one metric ton and upwards have very rarely to be dealt with Therefore it appears to us that no legislation is necessary at present on that point, but should it appear, as the result of further experience, that legislation to enforce the Convention is necessary, then, undoubtedly, the Government of India would come to the House and ask for the necessary powers Sir, I move.

The motion was adopted

RESOLUTION *RE* TERMINATION OF CONTRACT OF THE ASSAM BENGAL RAILWAY

The Honourable Sir George Rainy (Member for Commerce and Railways) Sir, I move

"That this Assembly recommends to the Governor General in Council that, in view, firstly, of the requirements for new construction and open line works on railways which will have to be met in the course of the next ten years, and of the demands which the provision of adequate funds to meet the capital expenditure required for these projects will make on the resources of Government, and secondly of the fact that the purchase of the Assam Bengal Railway Company's interest in the Assam Bengal Railway will not at the present time be financially profitable, and that another opportunity for acquiring that interest will occur in 1941, notice should not be given to the Company on the present occasion of intention to terminate their contract unless it should prove possible to devise some expedient by which the purchase money can be found on terms which will neither involve the Government in substantial financial loss nor necessitate any serious curtailment in the programme of new capital expenditure required for the proper development of the railway system in accordance with the economic needs of the country."

I should like to express at the outset my regret that it was not possible to give longer notice of my intention to move this Resolution Certain discussions have been in progress, and until they had terminated, it was very difficult to formulate the exact terms of a Resolution As soon as I was in a position to do so, the Resolution was drafted and was sent in It was considered by the Central Advisory Council for Railways yesterday, and copies of the Memorandum, which was placed before the Advisory Council, together with a note showing what the recommendation of the Council was, have been placed on the desk before every Member. As I said, I regret very much that it was not possible to give longer notice Now, Sir, Government, in considering this question, and in deciding what their line ought to be, have constantly kept before their mind the strong feeling that is entertained by very many sections of Indian opinion and which has often found expression in this House in favour of terminating the contracts of the guaranteed Companies at the earliest opportunity All Honourable Members are of course aware that this was the recommendation of the Acworth Committee I should, however, like to read to the House exactly what the Acworth Committee said about the Assam Bengal Railway In the first place their general recommendation was this

"We recommend that the system of management by guaranteed companies of English domicile should not be continued after the termination of their existing contracts"

The Committee then went on to deal with the various railways giving the dates on which their contracts terminated, and what they said about the Assam Bengal Railway was this :

"The position of the Assam Bengal Company is exceptional All the other guaranteed companies earn, in the shape of their share of surplus profits a substantial dividend above the guaranteed minimum, and their shares, even under the exceptional market conditions of the present moment, stand in the neighbourhood of par The Assam Bengal net receipts do not even meet the 3 per cent guarantee The shares are consequently quoted at present at about 45 We should hesitate to advise that the Secretary of State should pay off at par in 1931 shares now standing at 45 But the Company is not important, and there is ample time for consideration of this exceptional case between now and 1931 In any case, the amount at issue is not large"

I have quoted that passage to show that the Acworth Committee recognised that the Assam Bengal Railway stood in a somewhat different position from others, owing to the fact that they earned sufficient in the way of surplus profits to keep their shares above par, even at that time,

iat is, 1921-22, whereas the Assam Bengal Railway was not even earn-ig its guaranteed interest

Now, Sir, we come to the question as to how matters stand at the resent moment First of all let us take the revenue position and try) ascertain how the bargain looks from the point of view of Government, hich means the point of view of the taxpayer Let us see how the argain would look if we were to carry out the purchase in accordance ith the terms of the contract The ordinary share capital of the ompany is 1½ million sterling and the guaranteed rate of interest is per cent, that is to say, the Government have to pay annually £45,000 s interest on the Company's capital In addition, there is the Company's hare of the surplus profits In the years 1920-21 to 1925-26, no surplus rofits were earned But in the following four or five years, there have een surplus profits which in one or two years have amounted to as much s Rs 4 lakhs a year We have considered very carefully what these surplus rofits might amount to during the next decade The two years in which ney amounted to as much as Rs 4 lakhs were rather exceptionally good ears, and we feel that it would be dangerous to count on the Railway aking surplus profits to that extent as an average during the decade, lthough I certainly hope that in good years—good years for the railway, mean, for the term good is somewhat ambiguous, since high receipts in he Railway may mean a bad rice harvest in Bengal and very heavy rice mports from Burma to Chittagong, still I do not doubt that in particular ears, the surplus profits might amount to or might even exceed Rs 4 lakhs year On the other hand, we must be prepared for years that are bad rom the point of view of the Railway, a year for instance in which erious damage might be done to the hill section by heavy rainfall and onsequently the working expenses be high Therefore, our view is that, aking one year with another we are not entitled to calculate that on the verage the surplus profits payable to the Company would amount to nore than Rs 3½ lakhs In sterling that would be nearly £24,000, or nore exactly £23,750 Now, if we were to purchase the Railway, we hould of course no longer have to pay the guaranteed interest n the capital of the Company, and we should not have to ay surplus profits but in addition we should not have to pay the dministrative expenditure of the London Board of Directors, nd that amounts to about £8,500 Altogether the total amount of the harges of which we should be relieved, if we made the purchase, is etween £76,000 and £77,000 On the other side of the account in the irst place, we lose the Indian income-tax and the super-tax on the Com-any's profits, which amount to a little over £3,000, and also of course, ve should have to pay interest on the money that we should have to orrow in order to pay the Company's capital Now, it seems very un-ikely, conditions being what they are, that the Government of India would be able to borrow money required for paying off the capital in London at less than 6 per cent

Mr. B Das (Orissa Division Non-Muhammadan) Why not in ndia ?

The Honourable Sir George Rainy : I will come to that Therefore is against the charges, of which we should be relieved of a sum amounting to omething like £7,000, we should on the other hand have additional charges o meet to £93,000 That is to say, we anticipate that, if we made the purchase, we must lay our account for a recurring loss of something like £17,000 a year. Therefore, on the face of it, the transaction does not look

[Sir George Rainy]

present and that, if we take it over now, the loss will fall on us, but if we do not take it over at present, part of the loss falls upon the Company

The next point I want to make is this. According to the most recent information that I have, the market price of the shares in London is £78 Last year they rose higher, I understand, there was an impression that the Government of India was likely to purchase the Company and the price went up to 98, but it has now dropped back to 78 My own feeling is that when the London money market values shares at only 78 per cent of their par value and when we are obliged, if we buy the Railway, to purchase them at par, I feel a certain instinctive reluctance—possibly due to my Scottish nationality—in placing that extra £22 in the pockets of the shareholders

So far, I have been speaking of the matter almost entirely from the revenue side Let us now look at it for a moment from the capital side As Honourable Members know, during the last two years, it has become increasingly evident that it is going to be difficult to raise all the money that we should like to be able to spend upon railway development in India Every Honourable Member knows that we have had to curtail our programme of capital expenditure rather drastically We have not, I am glad to say, had to shut down any construction which we had actually begun, but we have been compelled to postpone the commencement of new projects , and as far as I can foresee, it is not going to be an easy matter in the next three, four or five years to provide funds for more than a very modest programme of capital development Now, Honourable Members who hold strongly the view that the contracts with the Companies should be terminated may very well say to me "But surely in any year when a contract falls in, if you devote part of the money, you can raise by borrowing, to buying out the Company, then you will have so much less to spend on railway development Do the terms of the Resolution mean that the Government of India are asking the Assembly to commit itself to the general proposition that the shares of these Company railways ought not to be acquired when opportunity offers ?" If the language of the Resolution on the paper has conveyed to any Honourable Member an impression that Government are asking the House to commit itself to a proposition from which it could be inferred that opportunity ought not to be taken of these opportunities when the contracts fall in, I should be very sorry, because that is not the intention of Government at all The reason why these points were emphasised in the Resolution was this, that at the present juncture and in the existing circumstances, it is particularly difficult to raise the money we require for railway development If we have to purchase the Assam Bengal Railway, it will not mean that we should still have a fairly good programme, though not quite so large as we could have wished It would mean that a programme which, as I have already said, we regard as totally inadequate would become more inadequate still. It might mean that we should have to put off for a year or for two years the beginning of such important projects as the Bombay Sindh connection and the Dacca Aricha Railway in Eastern Bengal. That being so, Government are bound to put the position clearly before the House and

explain to them what the consequences are likely to be if we decide to purchase this Railway.

Now, Sir, there is another point connected both with the capital and revenue sides The main reason why there have been surplus profits for the last four or five years is, we believe, the policy adopted in recent years of building short branch feeder lines on the Assam Bengal Railway It is this which has brought about an increase in receipts and has finally provided surpluses Now, it might be urged, " Is it not likely that with the construction of more feeder lines the financial results of the line will improve, and if this prospect exists, might not the purchase of the line be profitable ? " My answer to this line of argument is this I believe it is quite true that, if we could build several more feeder lines, the financial results of the main line would be substantially improved. But if we spend large sums of money to acquire the line, then I fear we shall not be able to afford to build the feeder lines and in that case we shall not get these additional profits For that reason I do not feel that we can take into account any additional surplus profits arising from the construction of new feeder lines, because if we acquire the line, we shall not be able to build them

There is another point which I ought to have mentioned earlier, and about which I must say something now We have very carefully considered whether, in addition to the saving of administrative expenditure owing to the abolition of the London Board, there might not be administrative savings in India owing to the purchase of the line It has been suggested for instance, that the management might be amalgamated with that of the Eastern Bengal Railway That is a possibility, but after going into the matter very carefully, we are satisfied that on the balance there is not likely to be any saving The Assam Bengal line has always been very economically managed, and as soon as we took it under State management, we should be faced with a very firm demand that the scale of salaries and emoluments of all ranks should be raised to the same standard as on other State-managed railways That being so, I am afraid that any saving expected in this region would prove to be illusory.

That, Sir, I think very nearly concludes what I desire to place before the House. We have been exploring the subject to see whether any practical expedient can be devised in order to meet what I know are the wishes of a very large number of Members of this House, without sacrificing any important financial interests of Government, which means of the taxpayers. We shall continue our search, because it is not necessary to give notice until the end of December But I should be misleading the House if I were to lead them to believe that I am very hopeful that we shall be able to devise any such expedient As far as I can judge, it will not be possible to arrive at any scheme which would not either involve a substantial recurring loss to Government or which on the other hand would not lead to a drastic curtailment of our capital programme Nevertheless we shall still see whether anything can be done Meanwhile, owing to the fact that it must be in the interest of the shareholders to be paid off at an early date, so long as the line is not profitable to them and their shares stand below par, we believe it may be possible to obtain an additional option to purchase the line in 1936 instead of in 1941. If we are able to arrange for this—and I may say that it is the course recommended by the Central Advisory Council—we shall not be committed to the continuance of

[Sir George Rainy]

the contract for any long period The Government of India in 1936 will be able to decide whether, in the circumstances of that year, it is expedient to purchase or not.

My Honourable friend, Mr Das, put me a question about the difference between borrowing in England and borrowing in India and I said I would come to it later. But I think I shall be better advised to leave my Honourable colleague the Finance Member to deal with that point, and I have no doubt that he will be able to intervene in the debate somewhat at a later stage Sir, I move.

Maulvi Abdul Matin Chaudhury (Assam Muhammadan) Sir, I rise to oppose this Resolution This Resolution on the face of it looks innocent enough, but it involves a very serious and a very dangerous departure from the accepted policy of this House The Resolution is intended to give a new lease of life for ten years to Company management on the Assam Bengal Railway Honourable Members are aware that the Acworth Committee, as Sir George Rainy pointed out, unanimously recommended that these English domiciled guaranteed companies should cease to exist at the termination of their contracts I should like to supplement the quotation that was made by Sir George Rainy by another quotation from the same Report The Committee said

"Advantages may be claimed for the exercise by the London Boards of the functions to which we have referred and for the technical and expert knowledge which many of the Directors possess But conditions in India have changed so greatly in the last few years, and are changing so rapidly at this moment, that whatever may have been the position in the past, we think the advantages of English management are now outweighed by the great disadvantages of absentee control and the difficulty of keeping in close touch with the modern social and trade conditions of India."

Now, Sir, this Committee consisted not only of two Presidents of the Railway Board, but of Indian public men of eminence like the Right Honourable Srinivasa Sastri, Sir R N. Mukherjea, Sir Purshotamdas Thakurdas In pursuance of the recommendations of this Committee, this House passed a Resolution in the year 1923 for taking over the Great Indian Peninsula and the East Indian Railways under State management and the contracts of those railways were terminated accordingly In the year 1929 also, according to the same policy, the Burma Railways were brought under State management. This House and the public outside have always been very keen, very zealous about this question of State management, and we had thought that this battle for State management had been fought and won But we are surprised today to find that the Government have tabled this motion this Session. Probably taking advantage of the peculiar constitution of this House now, Government want to smuggle in this proposal for Company management for the Assam Bengal Railway for another ten years I am sure, Sir, that, apart from every other consideration, on the question of policy and principle, this House will throw out this Resolution As to the merit of the question, the capital of the Assam Bengal Railway really comes to over Rs. 23 crores, out of this only about Rs. 2 crores is the Company's share in the capital. About 11|12ths of the capital is Government money, and 1|12th only is the Company's property. Still, the Government of India, holding 11|12ths of the capital, are going to hand over this undertaking to the British investors

4 P.M.

Mr. A H Ghuznavi (Dacca Division : Muhammadan Rural) Does the Honourable Member suggest that the shares are owned by the Government ?

Maulvi Abdul Matin Chaudhury : I mean to say that Rs 21 crores of Indian Government money have been sunk in this enterprise.

An Honourable Member More substantial than shares is cash.

Maulvi Abdul Matin Chaudhury : And the Government wish to hand over to the British Investor and the Board of Directors in London, who own only 1|12th of the shares, the management of the whole show The position is, on the face of it, absurd Then it has been suggested that it would not be financially profitable This is a doubtful proposition to us According to this memorandum that has been submitted to us this morning, we are paying 3 per cent guaranteed interest on a capital of £1,500,000—that comes to £45,000, or about Rs 6 lakhs It has been admitted by Sir George Rainy that the company has been making a surplus profit for the last few years—the figures being

	Rs.
1925-26	1,70,000
1926-27	2,19,000
1927-28	4,04,000
1928-29	3,96,000

When a newly constructed line like the Habiganj-Balla, Karimganj-Dhurlabeheria, Mohanganj-Netrakona line and Jorhat-Furkating and other sections are fully worked up, the surplus profit is bound to go up , and on a modest estimate, we can calculate that at least for the next ten years we shall have a surplus profit of Rs 4 lakhs every year That makes the total Rs 10 lakhs ; and as Sir George Rainy has pointed out, there is a saving in expenditure because of the abolition of the London Board , that makes it about Rs 12 lakhs And so we make about Rs 12 lakhs saving by taking over the Company's share The question really before the House is whether this amount, which in ten years amounts to Rs 120 lakhs, is to be handed over to the British investor or is going to be kept in India ; that is the real question before the House The Government say that if we are to purchase the line, where are we to get the money from ? The value of the Company's share is £1,500,000 The Acworth Committee remarked .

"We should hesitate to advise that the Secretary of State should pay off at par in 1931 shares now standing at 45."

The present market quotation is 78 for a £100 share and so the present market value of the undertaking is £1,170,000 , and that is the money we have to provide (*An Honourable Member* "No, no")

Mr. R. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot . Non-Muhammadan Rural) We have to purchase at par

Maulvi Abdul Matin Chaudhury Supposing we have to purchase at par and pay this sum of £1,500,000 and have to find the money, the purchase may be effected either in cash or by the issue of India stock or by annuities

Mr. A. A L. Parsons (Financial Commissioner, Railways) On a point of information, Sir, under the contract, the purchase money must be paid in cash on the 31st December, 1931.

Maulvi Abdul Matin Chaudhury . I agree , but in the year 1928-29 the Railway Board spent about 28 crores of rupees on capital expenditure , and a Railway Board, that can afford to spend Rs 28 crores for capital expenditure, can surely afford to make provision for Rs. 1½ crores for the purchase of the Assam Bengal Railway Then again there is the Reserve Fund. Rs. 18 crores are locked up in the Reserve Fund and one of the main functions of the Reserve Fund was to provide money for writing down capital , money from the Reserve Fund can be very properly used for the purchase of this Company's share If, Sir, you are to raise a loan, then, as the Honourable Sir George Rainy has pointed out, we have to pay £90,000 by way of interest I have shown, Sir, that we are going to make a saving of Rs 12 lakhs, and £90,000 come approximately to that amount So we can pay the interest from the saving we can expect by bringing it under Government control So, Sir, neither on the question of policy nor on the question of the merits is there the least justification for continuing the Company management On these grounds I oppose the motion

Mr. R. K Shanmukham Chetty : Mr President, I must lodge a very emphatic protest against the shortness of notice given to this House for the consideration of a question of such vital importance as the one raised by the Resolution before the House My Honourable friend the Commerce Member attempted to give some sort of an explanation for the delay in giving notice of this Resolution Sir, whatever might be the difficulties that he might have had to encounter with the Secretary of State in coming to a final decision on this matter, the fact remains that this House is asked to give its verdict on a very important Resolution without being given a chance to examine the whole question in all its various aspects. We have been told in this memorandum that has been placed before the House only this morning, that the Central Advisory Council for Railways has approved of the suggestion of the Government of India with certain modifications On making inquiries, I found, that this matter was placed before the Central Advisory Council for Railways only yesterday, that is, after the Honourable the Commerce Member had tabled his Resolution That procedure, I submit, is unfair not merely to this House but even to the Central Advisory Council Sir, the object of the Central Advisory Council is to examine in detail proposals of this nature, so that this House may be in a position to know what exactly is the result of such a detailed examination by the representatives of this House who serve on that Committee Giving such a short notice even to the Central Advisory Council on a matter of this nature is, I again submit, unfair to this House and unfair to the Central Advisory Council.

My friend the Honourable the Commerce Member recognised the feeling that we on this side entertain on the question of the State taking over the Company-managed railways as the terms of their contracts terminate As a result of the recommendations of the Acworth Committee, it is now the recognised policy of this House, to which the Government of India also is pledged, that as the period of contract of each of the railways terminates, the management must be taken over by the Government of India The time has now come for the Government of India to decide about the taking over of the Assam Bengal Railway in 1931. The reasons for postponing this transfer to Government control are given in the Resolution which the Honourable the Commerce Member has tabled He gives

two reasons why this option ought not to be exercised at the present moment. In the first part of the Resolution he says that the requirements for new construction and open line works, which will have to be met in the course of the next ten years and of the demand which the provision of adequate funds to meet the capital expenditure required for these projects will make on the resources of Government, will be rather heavy, and therefore this option ought not to be exercised now I must frankly confess that I do not at all like this part of the Resolution Whatever my friend the Commerce Member might say, the meaning of this Resolution is that, if, in the opinion of the Government of India, any available money can be more usefully spent on new construction or open line works, which would be more advantageous, it would be advisable to spend that available money for such purposes rather than expend it on Company-managed railways That, Sir, is a proposition which we on this side of the House are not prepared to agree to In a vast country like this with immense possibilities of railway development awaiting in the future, for a long time to come the state of affairs will be that it would be desirable to expend money on new construction and on open line works Now, if that is going to be a consideration, Sir, then, I am afraid that, even in 1937 or 1941, or 1945 or 1950, this consideration will have as much validity as it has at present moment When the Bengal Nagpur Railway contract terminates in 1950, we will still be in the same position. (*An Honourable Member* " By that time you will have Dominion Status ") And, if it is really the intention of the Honourable the Commerce Member that this option ought not to be exercised merely for the financial reasons mentioned in the second part of his Resolution, I would earnestly ask him to omit the first part of the Resolution.

Now, coming to the financial aspect, I need not go over the arguments advanced by my Honourable friend, Sir George Rainy, as these arguments are embodied in the memorandum that is before us. The argument, stated briefly, comes to this We will have to pay in cash on the 31st December, 1931, a million and a half pounds for the purchase of the shares of the Assam Bengal Railway The nett yield of the Assam Bengal Railway to Government will be about £73,000 We cannot raise money in London at less than 6 per cent., which means that we will have to pay £90,000 by way of interest on the capital, while we will be getting only £73,000 in return. That, in short, is the financial argument against exercising the option at present It is mentioned in this memorandum, and it was reiterated by my friend, that money could not be raised in London today at less than 6 per cent Sir, with the Bank of England rate at 3½ per cent, I would hesitate to take the statement that the credit of India is so low that money cannot be raised on India's revenues in the London market at less than 6 per cent at present My friend Mr. Das raised a very pertinent question and asked why the money should not be raised in India. I am sure the Finance Member will give some reason, but we all know what that reason is If the money is raised in India, my friend the Finance Member will find it next to impossible to remit it to London, and if he is in that position today, Sir, he has himself and his currency policy to thank for it, and cannot hold this House or the Indian money market responsible for this state of affairs As I stated a little while ago, it will lead us to controversial topics, which it will not be advisable to raise on this motion,

[Mr R K. Shanmukham Chetty]

Looking at the financial position, Sir, I am of opinion that a yield of £73,000 on an investment of a million and half pounds is certainly an investment which is not very bad, and if at all it is possible for my friend the Finance Member to raise this money, he must leave no stone unturned to raise the requisite capital and purchase the Assam Bengal Railway

There is another factor which the House ought not to forget It may be that, as a result of the political situation in India, it may not be possible to raise money in the London market at less than 6 per cent , but I would remind the House that this cash has to be paid not on the 31st December, 1930, but on the 31st December 1931 If we decide to exercise the option, notice has to be given before the 31st December, 1930, and it may be that if all goes well, if good sense prevails at the Round Table Conference in October, before 1931, money conditions may be easy and the credit of India may be restored in foreign markets and we might be in a position to raise money at about 4½ per cent I would therefore ask most earnestly my Honourable friends the Finance Member and the Commerce Member to consider this question very carefully before they decide not to give notice to the Assam Bengal Railway at the end of this year

Mr. B Das : I listened to my Honourable friend the Railway Member very attentively and it seems to me that he is in the confidence of the Honourable the Finance Member, who has told him that he is not going to foot the bill for the purchase of the Assam Bengal Railway, which is to the tune of £1½ millions sterling Well, I hope that when my Honourable friend, Sir George Schuster, rises to take part in this debate, he will give us the attitude of the Finance Department towards this question

To me the issue is confined to two points One point is—and I am glad that Sir George Rainy realises it—that the non-official Members of this House are all agreed and keen that all Company-managed railways should be purchased by the State I am glad that he recognises that and that he accepts that The second point, over which the Railway Member and the Railway Board are agitated, is that a sum of £17,000 may be lost to the taxpayers in India, and under those circumstances the Railway Member cannot advise Members of this House and also the Finance Member to take a loan of £1½ millions to purchase the Assam Bengal Railway I am indebted to my Honourable friend, Mr Chetty, for having raised the point about the status and dignity of the Central Advisory Council for Railways To me no Advisory Committee has any status, and I know when their recommendations go before the departmental heads how they are treated as scraps of paper I would ask a pertinent question of the Honourable the Railway Member Did he consult the Standing Finance Committee on Railways to find out what was their opinion ?

Mr. A. A. L. Parsons : Had there been a proposal on behalf of the Government to spend money on the purchase of the Assam Bengal Railway, then it would have been placed before the Standing Finance Committee for Railways But until there was a proposal to do so—and it could not arise until this motion was discussed in this House—it could not properly be put before the Railway Standing Finance Committee

Mr. B. Das : If I understand the Honourable Member correctly, it means that the Railway Standing Finance Committee, which body, as far as I know, is given a very sacrosanct place in the management of railways in India, has no power, has got no status to advise the Railway Board regarding the purchase of the different railways That is a matter which I think the Members of this House who are members of the Railway Convention Committee—I think that Committee will soon be a defunct body because the Assembly is going to be dissolved—will have to take the matter up whether the Standing Finance Committee for Railways have any control over the policy of the Railway Board As I have stated, it is a matter of £17,000, and if I have read the little leaflet that was placed on the table of the House this morning correctly, my Honourable friend, Sir George Rainy, tells us that £78 is the price of a £100 share As a business man, I would ask the Honourable the Finance Member why he did not ask the Secretary of State to buy up a certain amount of these shares instead of waiting till the last day to pay at par

The Honourable Sir George Schuster (Finance Member) I might answer that question at once If it was known at the London market that the Secretary of State was going to buy these shares, I venture to prophesy that they would not remain at 78, and that before he could pick up more than a few thousand pounds of the stock, the price would go up to par and it would be impossible to buy below that

Mr. B Das : I may observe, I did anticipate that reply However, the House stands committed to the principle of purchasing the Company-managed railways To-day we are discussing the purchase of the Assam Bengal Railway I think next year at this time we will have to discuss the purchase of that dilapidated railway over which my Honourable friend Mr Gaya Prasad Singh travels, the Bengal and North Western Railway, over which we have to foot a bill to the extent of £10 millions If to-day we accede to this request on the part of the Government, then strengthened with that idea, they will come to us next year and say, " We cannot purchase the Bengal and North Western Railway ", which my Honourable friends of the European Group are very anxious should not be purchased by the Government of India because it pays a dividend of 16 per cent at the cost of the travelling public, at the cost of the Government of India. Sir, I cannot accede to this request, and when I see that the financial loss to Government is only a trifle of £17,000, it cannot stand in the way of our purchasing the Railway. It may go up on the profit side ; it may not be a loss at all. Here is my Honourable friend Mr Abdul Matin Chaudhury the Member from Assam who is very much interested in this particular Railway , there are my Honourable friends Mr Srish Chandra Dutta, of Assam and other Bengal Members from Eastern Bengal ; and they will give their view points and how anxious they are to see this Railway become a State Railway As my Honourable friend Mr. Abdul Matin Chaudhury has already stated, why not pay this £1½ millions from the Railway Reserve Fund which has accumulated to the tune of Rs 17 crores My Honourable friend Sir George Rainy smiles. The truth is that the Honourable the Finance Member does not allow him to utilise that money for any of these purposes This is a fit occasion when we must utilise a portion of the Railway Reserve Fund to purchase this Railway. I will suggest another source from which this money can be tapped. India gets a share

[Mr. B Das.]

annually from the War Reparation money paid by Germany Will the Honourable the Finance Member kindly say how much this amounts to ?

The Honourable Sir George Schuster : I should be very glad to give an answer to my Honourable friend's question, but I have not understood him clearly.

Mr. B. Das : I want to know what amount is received from Germany as India's share of the War Reparation from Germany I think it is £250,000. As far as I recollect, that sum goes to-day to the Sinking Fund for the reduction and avoidance of debt Why not utilise that money to purchase the Assam Bengal Railway ? Those of us who know how the Assam Bengal Railway came into existence know that it was not originally a commercial proposition. It is really a strategic line We know how the Government of India, as it was then constituted, tried and the Government of India as it is now constituted try to build strategic lines and show them as commercial lines, so that this House will not grumble much, though such railway lines are really for the exploits of my Honourable friend Mr Macworth Young the Army Secretary This Assam Bengal Railway is really a strategic line Of course my Honourable friend Sir George Rainy said, and also my friend Mr Matin Chaudhury pointed out, that the new extensions are the paying lines in that particular area As the previous Government is committed to that expenditure, we are bound to buy it up and I do maintain that there is no other alternative but to buy it up Otherwise it will produce a disastrous feeling in Indian India. Sir, my Honourable friend the Railway Member said that if we acquire this Railway labour will have to be paid better wages and the revenue might decrease The revenue may decrease, but the money that will be paid to labour will remain in India and indirectly it is a gain. There is another point that I would like to mention The Honourable the Railway Member knows that in the Company-managed Railways, there has been only Indianisation up to 42 per cent When the State takes over the control of this railway, it will be rapidly Indianised to the extent of 75 per cent in its superior establishment and therefore the money paid to the Indian employees of the Railway and the Indian officials will be a distinct gain to India, and the money that is paid to the British officials passes out of India My Honourable friend Mr. Chetty has rightly alluded to my interjection why the money was not borrowed in India. As far as I know, there was much heartburning in the Indian financial circles in Calcutta and Bombay because the recent loan was floated by the Honourable the Finance Member in London at 6 per cent and not floated in India I think it is only fair to India that the Honourable the Finance Member should float the loan in India at 5½, and if that loan was not subscribed in India, then he was justified in going to London. If the Honourable the Finance Member will float a loan here, in spite of the financial depression,—which is due not to us, but to the Treasury Benches, for not settling the constitutional question— at 6 per cent., he will get it.

Sir Cowasji Jehangir (Bombay City Non-Muhammadan Urban) : Will you underwrite it ?

Mr. B. Das : I am sorry I am not a financier and I think you can ask my Honourable friend, Mr. Kikabhai Premchand, to do it and I think he will most gladly do it.

Mr. President : Will the Honourable Member let me know how long he is going to take ?

Mr. B. Das : About 10 or 15 minutes more.

Mr. M. A. Jinnah : The Honourable Member has got only 15 minutes, unless you give him permission to speak longer

Mr. President : He has not exhausted his time I feel that Honourable Members have not had sufficient time to go into this Resolution Moreover, I feel that there is a large number of Members who want to discuss this important Resolution and I do not want to stop the debate Therefore I think it would be better if I give another opportunity to Honourable Members to go into this Resolution and have a full discussion on the subject I think that will meet the wishes of Honourable Members

There is one thing more I would like to inform Honourable Members that particular seats have been allotted to them and they cannot expect me to see them if they are not in their seats

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 15th July, 1930.

LEGISLATIVE ASSEMBLY DEBATES

TUESDAY, 15th JULY, 1930

Vol. IV—No. 7

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LEGISLATIVE ASSEMBLY.

Tuesday, 15th July, 1930

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr President in the Chair.

QUESTIONS AND ANSWERS

Maulvi Abdul Matin Chowdhury : On behalf of Mr Mitra, I beg to ask for permission to put the questions standing in his name. No 85.

ARRESTS FOR POLITICAL OFFENCES IN THE NORTH WEST FRONTIER PROVINCE.

85. ***Maulvi Abdul Matin Chowdhury** (on behalf of Mr. S C. Mitra) : (*a*) Will Government please lay on the table a statement showing, district by district, in the North West Frontier Province, the number of arrests for political offences of Congress workers, Khilafatists, Khudai-Khidmatgars and Afghan-Youth-Leaguers and also state the section of the law under which they were arrested and the number of convictions, the period and nature of sentence and the classification of the prisoners in jail, from the 23rd of April, 1930 ?

(*b*) Will Government please state the percentage of persons convicted who have offered any defence ?

(*c*) What is the number of under-trial prisoners and the period for which they have been kept under custody before bringing them to trial ?

The Honourable Mr. H. G. Haig : Sir, questions Nos 85 to 89 deal with certain detailed matters connected with the North West Frontier Province I have asked for information in regard to them and as soon as I have received it, I will let the Honourable Member have the replies.

UNDER-TRIAL PRISONERS IN THE PESHAWAR FORT

†86. ***Maulvi Abdul Matin Chowdhury** (on behalf of Mr S. C. Mitra) : (*a*) Will Government please state what is the number of under-trial prisoners in the Peshawar Fort at present and for how long a period they have been confined in the Fort and the section of the law under which they are charged ?

(*b*) Will Government please state when these cases are likely to be taken up for trial ?

(*c*) Is it a fact that a press representative, who applied for permission to the District Magistrate to be present during the trial in the Peshawar Fort, was refused permission ? If so, for what reasons ?

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†For answer to this question, *see* answer to question No. 85

ARREST OF MEMBERS OF POLITICAL COMMITTEES IN THE NORTH WEST FRONTIER PROVINCE.

†87 ***Maulvi Abdul Matin Chowdhury** (on behalf of Mr S C Mitra) (*a*) Is it a fact that the Provincial Congress Committee of North West Frontier Province, the City Congress Committee of Peshawar and the Naujawan Bharat Sabha of Peshawar were declared unlawful assemblies by the Chief Commissioner of the North West Frontier Province, by his order dated the 3rd May, 1930, but announcements were made and notices served on persons concerned on the morning of the 4th May, 1930, and simultaneously without giving any opportunities to those persons to show that they were not unwilling to carry out the intention of the Government declaration and before they did anything after the service of the notice, all the persons were arrested ?

(*b*) Is it a fact that some of the arrested persons are not even members of the Congress Committee of the current year and that they were arrested merely because their names appeared in last year's Congress members' list ?

(*c*) Are Government aware that Mahasha Krishna, Editor of the liberal newspaper, the *Frontier Advocate*, is not even a member of the Congress or any other body declared unlawful, but was arrested and detained as a member of the unlawful assembly, simply because in his paper, dated the 6th May, he urged for an impartial inquiry committee ?

ACTION TAKEN AGAINST CERTAIN MUNICIPAL COMMISSIONERS OF PESHAWAR.

†88 ***Maulvi Abdul Matin Chowdhury** (on behalf of Mr S C Mitra) (*a*) Is it a fact that Mr Pir Baksh, M A, LL B, Pleader and Municipal Commissioner, Peshawar, was asked to furnish security under section 108, Cr. P. C, because he gave notice of a resolution to be moved in the Municipal Committee that the name of the Kissakhani Bazar should be re-named Shahidi (Martyrs) Bazar and Kabli Gate as Khuni Gate, and on his refusal, he has been sentenced to one year's imprisonment ?

(*b*) Is it a fact that Mr. Attaullah Jan Khan, B A, LL B, pleader and Municipal Commissioner of Peshawar, who gave notice of seconding Mr Pir Baksh's above-mentioned resolution, was called along with Mr Pir Baksh by Mr F C Isemonger, Inspector General of Police and was asked to withdraw the resolution, failing which they would be sent to jail, and subsequently Mr Pir Baksh was sentenced to imprisonment and Mr Attaullah Jan was called by Mr C Latimer, and in the presence of other Municipal Commissioners, the Revenue Commissioner very insultingly asked him to withdraw his support of the resolution by saying *kan pakro* (pull your ears) and *tobah karo* (repent) for the future, but the gentleman refused point blank ?

BURNING AND OCCUPATION BY SOLDIERS OF CERTAIN OFFICES OF POLITICAL BODIES IN PESHAWAR

†89 ***Maulvi Abdul Matin Chowdhury** (on behalf of Mr S. C. Mitra) (*a*) Is it a fact that in the village of Utmanzai, in the Charsadda Sub Division of Peshawar, Mr Short, Commanding, Frontier Constabulary, ordered the offices of the Khodai-Khidmatgar, Afghan-Youth-League,

†For answer to this question, *see* answer to question No. 85.

Congress and National School, to be burnt and they were burnt ? If so, why and under what law or regulation ?

(*b*) Do Government propose to compensate the owners of these offices ?

(*c*) Is it a fact that British soldiers have occupied the offices of the Provincial and City Congress Committees and Naujawan Bharat Sabha, Peshawar, from the 4th of May, that they are still in possession of the police, but that the latter refuse to pay the rent of the buildings to the owners ?

BLOCKADE OF CERTAIN TOWNS AND VILLAGES

90 ***Maulvi Abdul Matin Chowdhury** (on behalf of Mr S C Mitra) (*a*) Is it a fact that certain towns and villages in the North West Frontier Province were kept under blockade by military or Frontier Constabulary for taking part in the national movement ? If so, will Government be pleased to state the names of those towns and villages ?

(*b*) For what period did the blockades last ?

(*c*) Is it a fact that during the blockade, no persons, male or female, were allowed to come out or go into the villages or even foodstuff was allowed to enter into the villages, causing starvation in many places ?

The Honourable Mr. H G. Haig . (*a*), (*b*) & (*c*) I understand that owing to the dangerous situation which prevailed in the North West Frontier Province for some weeks as a result of intense anti-Government activities including attempts to stir up tribal hostility, it was necessary for the civil authorities, with the aid of the military, to exercise effective control over certain towns and villages for short periods, and for this purpose to stop outside communication The places concerned were

Peshawar,
Kohat,
Bannu,
Dera Ismail Khan,
Charsadda with Prang, and
Utmanzai

I am glad to say that the situation has much improved in the Province and I trust that no further necessity for such action will arise.

SHOOTING OF A VILLAGER OF CHARSADDA.

91. ***Maulvi Abdul Matin Chowdhury** (on behalf of Mr S C Mitra) . (*a*) Is it a fact that a Hindu young man, Dwarika Nath, aged about 20 years, who went out of his village of Charsadda to perform a religious ceremony in connection with the death of his father on the *Ekadashi* day (the 7th June) while bathing in the river outside the village, was shot dead by a British military officer ?

(*b*) What is the name and rank of the officer and what action has been taken by Government in this case ?

Mr. G M. Young : (*a*) A full report of this incident was called for from the local military authorities last month, and I understand that

the local administration has also been asked for a report From the information received so far it appears that the young man was not bathing, but that having taken part in an unlawful assembly in contravention of an order issued under section 144, Criminal Procedure Code, he had broken through the military cordon established round the village, and persisted in attempting to cross the river

(*b*) The officer is reported to be Captain Palmer of the 1st|1st Punjab Regiment Government are awaiting the receipt of further particulars

FIRE-ARMS CONFISCATED AND LICENSES CANCELLED IN THE NORTH WEST FRONTIER PROVINCE.

92 ***Maulvi Abdul Matin Chowdhury** (on behalf of Mr S C Mitra) Will Government please state the number of different kinds of fire-arms confiscated and licences cancelled in different places in the North West Frontier Province during the months of April, May and June, 1930 ?

The Honourable Mr. H. G. Haig : The information is being collected and will be furnished to the Honourable Member in due course

FLOGGING IN THE PESHAWAR JAIL

93 ***Maulvi Abdul Matin Chowdhury** (on behalf of Mr S C Mitra) (*a*) Is it a fact that some under-trial and convicted Khodai-Khidmatgar and other national workers were flogged in the Peshawar Central Jail and other jails in the North West Frontier Province ?

(*b*) If so, for what offence, and the number of stripes administered in each case ?

(*c*) Is it a fact that public leaders like Khan Abdul Rab Nishter, Pleader and Municipal Commissioner, Dr Charu Chandra Ghosh, President, Provincial Congress Committee, Mr Radha Krishen, Pleader and President City Congress Committee, Dr Syed Gillani, Sardar Milap Singh Akali, Maulana Alla Bux Yusufi, Secretary, Central Khilafat Committee, were threatened by Colonel Brierley, Inspector General of Prisons, to be flogged ? If so, for what reasons ?

The Honourable Mr. H. G Haig : (*a*) Some prisoners were whipped

(*b*) The offence in each case was incitement to mutiny in jail after due warning had been given. The number of stripes awarded varied from 7 to 30

(*c*) The impression conveyed by the question is not correct The facts are that the behaviour of some prisoners in the Peshawar Central Jail on April 23rd and 24th resulted in disorders, which gave rise to considerable anxiety, and as a consequence it was considered necessary that all convicted and under-trial prisoners should be warned that the punishment for incitement to mutiny was whipping

Mr. Gaya Prasad Singh : Sir, I rise to ask a supplementary question What is the number of prisoners in the Peshawar Central Jail and how many were awarded the punishment of whipping ?

The Honourable Mr. H. G. Haig : I am afraid I have not got the information. The information about the number of prisoners in the Peshawar Jail I think is being collected in answer to a previous question.

Dr. Nand Lal : May I ask how many convicted prisoners were transferred from the Peshawar Jail to other jails in the Punjab, especially Gujrat ?

The Honourable Mr. H. G. Haig : I am afraid I have not got the information, Sir

Dr Nand Lal : Thank you

SHOOTING OF CERTAIN MEMBERS OF THE FAMILY OF SARDAR GANGA SINGH IN PESHAWAR

94 ***Maulvi Abdul Matin Chowdhury** (on behalf of Mr S C Mitra) (*a*) Is it a fact that while Sardar Ganga Singh, Supervisor, Military Dairy Farm, Peshawar was coming on a *tonga* with the members of his family to attend the Gurudwara on a religious ceremony, a British soldier fired upon him near the Kabli Gate, Peshawar City, killing his son, a boy of 15 months and a daughter aged 9 years and seriously wounding his wife ?

(*b*) Is it a fact that neither police nor military took any steps to take the wounded lady to the hospital and it was left to the public to render first aid and to take the poor family to the hospital ?

(*c*) Is it a fact that while the dead bodies of the children were being taken in a procession to the funeral ground through the bazar, with the permission of the Deputy Commissioner, some British soldiers, without giving any warning, fired at the procession and killed and wounded several persons ? Will Government please state how many were killed and wounded on this occasion ?

(*d*) Is it a fact that Government thought of starting an inquiry in this matter by a Sessions Judge but had to give up the idea because of the opposition of the military authorities ?

The Honourable Mr. H. G Haig . (*a*) The facts are stated in the judgment of the Additional District Magistrate, Peshawar, dated the 3rd of June, 1930, a copy of which is placed in the Library This most regrettable incident was the result of a pure accident

(*b*) The Honourable Member will observe from the judgment that the lady's wound was dressed at once in the Police Station, from where she was sent immediately to the Lady Reading Provincial Hospital

(*c*) My information is that the procession met a detachment of British troops, that the crowd was very excited and attempted to seize the rifles of the soldiers, that it refused to disperse, and that the order to fire had to be given The casualties were nine persons killed and 18 wounded

(*a*) The answer is in the negative

ESTABLISHMENT OF A GIRLS' HIGH SCHOOL AT PESHAWAR.

95. ***Maulvi Abdul Matin Chowdhury** (on behalf of Mr S. C Mitra) (*a*) Is it a fact that there is not a single high or middle Government girls school in the whole of the North West Frontier Province ?

(*b*) Is it a fact that there is an incessant demand for a Government high and normal (combined) school for girls, with hostel and playground at Peshawar ?

(c) Is it true that a largely signed memorial by the ladies and leading men of Peshawar of all communities was submitted to the Chief Commissioner on the 24th of July, 1928, for the establishment of a residential Government girls high school ? If so, will Government please lay on the table a copy of the memorial and the reply thereto ? Was there any correspondence in this connection between the Local Government and the Government of India ? If so, with what result ?

(d) Are Government aware that on the 26th of January, 1929, a representative deputation of ladies of the Frontier Province waited on Mr J H Towle, D I P of North West Frontier Province and presented an address directing his attention for expansion of female education and particularly for the establishment of a Government high school for girls at Peshawar ? What was the result ?

(e) Is it a fact that on the 3rd of October, 1929, a representative deputation of ladies of all communities waited on Mr R Littlehailes, Educational Commissioner with the Government of India when he visited Peshawar and pressed on him the urgency of the establishment of a combined high and normal Government school for girls at Peshawar ? Did he not promise to take up this matter as soon as financial conditions permitted ? If so, when it is likely to be taken up ? Will Government lay on the table a copy of the said address and the reply thereto ?

Sir Frank Noyce : (a) and (b) Yes

(c) Yes , a copy of the memorial and of the reply is laid on the table The Government of India forwarded to the Chief Commissioner a representation which had been received by them on the subject and informed him that the matter would be looked into by the Educational Commissioner when he visited the province

(d) Yes , an assurance was given that the Department would do its best to help to meet the needs to which the deputation had referred

(e) The answer to the first two questions is in the affirmative The question of establishing a Government high school for girls at Peshawar is now under the consideration of Government A copy of the address presented to Mr Littlehailes is laid on the table As his reply was given *ex-tempore* a copy is not available

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Memorial.

To

The Honourable the Chief Commissioner,
North West Frontier Province,
Nathiagali

SIR,

We, the undersigned, strongly urge upon the Government, the imperative necessity of opening a Government High School for Girls at Peshawar with hostel attached to it, as early as possible, since the lack of facilities for higher education for girls at Peshawar, is retarding the progress of female education here It goes without saying that parents are now very anxious to impart higher education to their girls as to their sons, consequently they have to send their girls to Lahore or other distant places, at a considerable expense and sacrifice It is a pity that while several towns in the Punjab boast of High Schools for Girls, the Government of the North West Frontier Province, has not yet thought it wise to make any provision for the higher secondary education of girls The question is not now one of academic discussion but has poised into the range of practical politics While we appreciate the policy of the Local Government in the matter of spreading literacy among males, we are constrained

to remark that the Local Government is treating the question of provision of facilities for girls' education, in a step motherly manner That the demand for the same is genuine and keen is evidenced by the number of signatories to this representation. The Director of Public Instruction and the Inspectress of Girls Schools are both enthusiasts and there seems to be no reason why the Government should dally with this matter of so vital importance to the public The Honourable the Chief Commissioner's speech on the opening of the new building of the Government High School (for boys) at Peshawar, has raised high expectations in the minds of the people that the Government is determined to provide educational facilities, same as exist in other Provinces We have yet to see if the Local Government is really earnest in the matter of breaking down illiteracy among girls and the Government ought to give a practical proof of its earnestness by acceding to the popular demand for girls High School without any further delay

We beg to remain,

Sir,

Your most obedient servants,

Signed by

60 ladies

22 Representatives of the twenty two Religious, Social and Political Societies

22 Municipal Commissioners, Members of District Board, Members of Cantonment Board, Honorary Magistrates and Members of the Indian Legislative Assembly

31 Professors, Headmasters and other Prominent educationists

20 Leading Medical Practitioners

44 Barristers, Vakils and Pleaders

161 Leading Bankers, Merchants, Import and Export Agents, Contractors Zamindars, Jagirdars, Titleholders, Journalists, Publishers, Public men and other Prominent people

C/o

MRS K K BOMBWAL,

RAMPURA STREET, PESHAWAR CITY

PESHAWAR

Dated the 24th July 1928

Reply

Copy of D O No 5981 G N, dated 13th September, 1928, from the Secretary to the Chief Commissioner, North West Frontier Province, Nathiagali, to Mrs K K. Bombwal, Rampura Street, Peshawar

Please refer to your letter No 1, dated the 1st September, 1928, regarding the subject cited above

A copy of this Office letter No 4686 87 G N, dated the 15th August, 1928, to the address of Rai Bahadur Karm Chand, O B E, Peshawar, and Khan Sahib Kazi Mir Ahmad, B A, LL B, Vice Presidents, Municipal Committee, Peshawar, is sent herewith, with reference to a similar representation received with your letter dated the 24th July, 1928

In his letter No 4686-G N, dated 15th August, 1928, in reply to a representation made by the Vice-Presidents of Peshawar Municipality, the Secretary to Honourable the Chief Commissioner, North West Frontier Province, wrote

"I am directed to inform you that the Chief Commissioner has given the representation his careful consideration. He desires as strongly as you

that the education of girls should be stimulated in every possible manner. He notes, however, that there is already one (Church of England Zenana Mission) High School for girls in Peshawar and that the number of girls in the high school classes—he understands that there are 3 girls in Class IX and 6 girls in Class X—does not support the contention that a second (Government) High School is needed He understands moreover that the number of girls at present in the top classes of existing girls middle schools in Peshawar is not sufficient to supply the high school classes of a second (Government) high school, these numbers, he is informed, are

Name of school	*Classes.*	*Number of girls*
1 Municipal Hindi Girls' Anglo Vernacular School	VIII	3
	VII	4
2 Municipal Urdu Girls' Vernacular Middle School	VIII	4
	VII	*Nil*
3 Arya Hindi Girls' Vernacular Middle School	VIII	2
	VII*	8

That is, if class IX of a second (Government) High School were to be opened next year, only three girls—namely those from the anglo vernacular school —would be available to enter it, the girls from the vernacular middle schools would have to study English for a couple of years in a "Special Class" before they could be admitted Some girls might possibly come from outside Peshawar, but the number of girls in Class IX and X of the existing (Church of England Zenana Mission) High School leads him to believe that they would be few

While expressing his sympathy therefore with the cause which you have at heart, the Chief Commissioner desires to say that, in his opinion the small number of girls who would be ready to enter a second (Government) High School if it were opened, does not justify the considerable extra expense which would be involved Funds moreover are limited, and, if any extra money is provided by the Government of India in the near future for female education, he considers it will be more profitably spent in improving the provision in the primary and middle stages.

He will however be prepared to reconsider this opinion at any time in the future if it appears that the number of girls who wish to join classes IX and X are qualified to do so, has materially increased

I am at same time to thank you for the interest which you have shewn in this important matter"

Address

To

R. LITTLEHAILES, Esq, M A, C I E, I E S,

The Educational Commissioner with the

Government of India, Camp Peshawar.

May it please you,

This deputation of the representatives of the ladies of North West Frontier Province most respectfully begs to thank the Government of India for kindly deputing you, Sir, to visit Peshawar and hear the grievances of the women behind the purdah in the matter of education.

We also beg to offer our heart felt and sincere gratitude to you for having taken the trouble of undertaking this journey and to have given us this opportunity of placing our views before you

We know, Sir, that the great problem of the education of females in India is not unknown to you In fact it would be presumptuous on our part to dilate upon it in your presence Suffice it to say that no one can divorce this problem from the great undertaking of the British Empire, that is to say, the educating of the great Indian Nation towards its final goal of responsible self Government.

We assure you, Sir, that the importance of this problem does not decrease but increases when it is considered with reference to the N W F Province As gatekeepers of India it is absolutely necessary that the bringing up of the children of this Province should be on lines which may turn out the proper balance minded citizen fit to keep a guard over the gateway of India Who could deny the importance of the mother's lap and the influence of her culture on bringing about such a result ?

But, Sir, we regret to inform you that although this aspect of the national advancement of India had such a great importance, it has unfortunately been ignored so far Girls' education has not been very seriously considered inspite of the successive efforts by the ladies of this Province to obtain greater facilities and better impetus for its advance We have been told that there was no demand for the girls' education, but Sir, we submit with the greatest deference that this argument amounts to begging the question What efforts have been made, what spadework has been done and what encouragement afforded for causing the awakening amongst the males and females of the Province to advance this most important aspect of social life ?

To tell the truth, Sir, facts and figures show that the nucleus for the advancement of education amongst the females existed For do we not know that girls from N W F Province have been sent to the Punjab and have been qualifying in various branches of education ? To quote a recent instance, twelve girls have passed in the Matriculation Examination this year from the Punjab University Eight of them were prepared in the Punjab and four offered privately It will interest you, Sir, that one of the girls, who went up privately, stood first in the N W F P, beating the boys also and obtained a scholarship from the University for having stood first amongst the girls

But it cannot be forgotten that there are very few people who can afford to bear the expense of educating their children in the Punjab We cannot lose sight of the factor that parents are not very prone to send their children away to a place situated at a great distance Inspite of all these drawbacks we beg to emphatically stress the importance of the numbers quoted above, and the results, to show that keenness of desire to educate their daughters is not lacking amongst the people of the Province but unfortunately encouragement is not forthcoming

We beg to invite your attention, Sir, to the annexures to this address which we submit for your kind perusal It will bring to your mind most forcefully the efforts made by us backed up by our sisters behind the purdah and supported by their husbands and relations for gaining what would be considered almost preliminary steps in a reformed province down country

We cannot but also invite your attention to the facilities at the disposal of the people of the Punjab which would have been ours had it not been our misfortunate to have been weaned from that Province for political considerations

Our demands have been fully detailed in the address which we presented to the Director of Public Instruction on the 20th of January, 1929 They are modest demands and no more than what our sisters in the Punjab enjoy The question of finance should not be an obstacle in giving us what is our due for it should not be forgotten, Sir, that these privileges would have been long availed of by us if we had not been separated from our parent Province, and if the Government of India considered it proper to sacrifice us at the altar of political considerations, the duty is heavily cast on them to pay from the central exchequer for our needs and thus compensate us for the loss which we have incurred for no fault of ours

Again, Sir, it should not be overlooked that the brunt of keeping the land frontier of India and all its resultant disadvantages, inconveniences and dangers are being borne by the people of this Province There is no reason why the Government of India should not be pleased to bear all the expenses relating to defence of the land frontier which necessarily includes the cost of up keep of the people doing their duty at the door just as the water frontier of India is being guarded at the expense of the Imperial Government

We assure you, Sir, that in case the Government is pleased to accede to our demands, there will be no lacking of number of students to come up to the standard required for establishing schools by the Education Department In particular we guarantee that an up to date and well equipped combined high and normal school for girls with a suitable hostel and play ground attached thereto at the headquarters of the Province on non-sectarian lines, would be exceptionally popular in view of the tremendous expense incurred by the people of the Province on sending their girls to the schools in the Punjab

In the end, Sir, we beg to thank you for the patience with which you have been pleased to hear our address We have great hopes in you and the visit is considered by us to be laden with potentialities for the education of the women and girls of the North West Frontier Province We do fairly hope that we would not be disappointed

We beg to remain,

Sir,

Your most obedient servants,

Members of the Ladies Deputation

PESHAWAR,
3rd October, 1929.

Dr. Nand Lal : May I ask a supplementary question ? Is there any special reason why a girls' school has not yet been established and founded ?

Sir Frank Noyce : I take it, Sir, that it has been due to the absence of proposals from the Local Administration on the subject, as also of funds

OCCASIONS OF FIRING IN RECENT DISTURBANCES

86 ***Maulvi Abdul Matin Chowdhury** (on behalf of Mr S C Mitra) Will Government be pleased to lay on the table a statement showing, province by province, the number of occasions when firing had to be resorted to by the military or the police during the last three months, and the number of killed and wounded on each occasion ?

The Honourable Mr. H. G. Haig : The Honourable Member is referred to the reply given to his question No 20 on 14th July, 1930

GRIEVANCES OF CERTAIN EMPLOYEES OF THE EASTERN BENGAL RAILWAY PRESS

97 ***Maulvi Abdul Matin Chowdhury** (on behalf of Mr S. C Mitra) (*a*) Is it a fact that the Government, in reply to my starred question No 635, stated on 18th September, 1919, that " The Agent, Eastern Bengal Railway, has been requested to deal expeditiously with " the memorial of the compositors, distributors and binders of the Eastern Bengal Railway Press of 23rd May, 1929 ?

(*b*) If the reply to (*a*) be in the affirmative, will Government be pleased to state whether the memorial has since been dealt with ? If not, the reason for this unusual delay ?

(*c*) Is it a fact that the Government in reply to my starred question No 733, stated on 21st March, 1930, " That a decision will be arrived at shortly " with regard to the introduction of the graded scale of pay for the employees of the Eastern Bengal Railway Press ?

(*d*) If the answer to (*c*) be in the affirmative, will the Honourable Member-in-charge of Railways and Commerce be pleased to state the steps that have since been taken with regard to the matter ?

Mr. A. A. L Parsons : (*a*) Yes

(*b*) I would refer the Honourable Member to the reply given to question No 69 asked by Khan Bahadur Sarfaraz Hussain Khan on the 20th January, 1930.

(*c*) and (*d*) Detailed proposals for revised scales of pay for the Eastern Bengal Railway Press employees have been framed and are under discussion between the Railway Board and the Agent, Eastern Bengal Railway

GRIEVANCES OF CERTAIN EMPLOYEES OF THE EASTERN BENGAL RAILWAY PRESS

98 ***Maulvi Abdul Matin Chowdhury** (on behalf of Mr S C. Mitra) (*a*) Is it a fact that the Honourable Member-in-charge, Railways and Commerce, received a wire on 28th April, 1930, from the Secretary, Press Employees' Association, Calcutta, to the effect that great unrest is prevailing among the workers of the Eastern Bengal Railway Press on account of unusual delay on the part of Government in disposing of the memorial of 23rd May, 1929 ?

(*b*) If the reply to (*a*) is in the affirmative, will Government be pleased to lay a copy of the telegram on the table ?

(*c*) Are Government aware that a reply was sent to the Secretary, Press Employees' Association, in letter No 117-E |30, on 5th May, 1930, that the Agent, should be addressed in connection with the service conditions of the employees ?

(*d*) Is it a fact that the Agent, Eastern Bengal Railway, received a letter on 10th June, 1930, from the Secretary, Press Employees' Association, for immediate disposal of the memorial of 23rd May, 1929 ?

(*e*) If the answers to (*c*) and (*d*) are in the affirmative, will the Honourable Member-in-charge be pleased to state what action has been taken for the speedy disposal of the matter ?

Mr. A. A L. Parsons : (*a*) Yes

(*b*) A copy of the telegram has been placed in the Library

(*c*) Yes

(*d*) Government have no information

(*e*) The Honourable Member's attention is drawn to the reply I have just given to his previous question

GRIEVANCES OF CERTAIN EMPLOYEES OF THE EASTERN BENGAL RAILWAY PRESS

99 ***Maulvi Abdul Matin Chowdhury** (on behalf of Mr S C Mitra) (*a*) Is it a fact that the binders, pressmen, machinemen, galley proof pressmen and form carriers of the Government of India Press are in the superior service ?

(*b*) Is it a fact that the binders, pressmen, machinemen, galley proof pressmen and form carriers, of the Eastern Bengal Railway Press are in the inferior service ?

(*c*) If the replies to (*a*) and (*b*) are in the affirmative, will Government be pleased to state whether they intend to place the binders, pressmen, machinemen, galley proof pressmen and the form carriers of the Eastern Bengal Railway Press in the superior service ?

Mr. A. A. L Parsons : (*a*), (*b*) and (*c*). The information has been supplied to the Honourable Member, *vide* Railway Board's letter No 117-E|30, dated the 10th July, 1930

GRIEVANCES OF CERTAIN EMPLOYEES OF THE EASTERN BENGAL RAILWAY PRESS

100 ***Maulvi Abdul Matin Chowdhury** (on behalf of Mr S C. Mitra) (*a*) Is it a fact that Mr Slatter, the Special Officer appointed by the Railway Board, to go into the grievances of the Press workers, during his last visit to the Eastern Bengal Railway Press, assured the employees, in the presence of the Superintendent, that the piece system would be abolished, the salary system would be introduced, and all the employees would be placed on the superior service ?

(*b*) If the reply to (*a*) is in the affirmative, will Government be pleased to state what has been done to give effect to that assurance ?

Mr A. A L Parsons . (*a*) and (*b*) Enquiry will be made from Mr Slater who is at present on leave out of India and a reply will be sent to the Honourable Member on its receipt

GRIEVANCES OF CERTAIN EMPLOYEES OF THE EASTERN BENGAL RAILWAY PRESS

101 ***Maulvi Abdul Matin Chowdhury** (on behalf of Mr S C. Mitra) (*a*) Is it a fact that holidays during the Durga Puja festival, Muharram and Christmas were allowed to all the employees of the Eastern Bengal Railway Press irrespective of their religion ?

(*b*) Are Government aware that the Muhammadan employees were not allowed to enjoy the holidays during the Durga Puja festival, the Hindu employees the Muharram holidays and both the Hindu and Muhammadan employees the Christmas holidays in this year ?

(*c*) If answers to (*a*) and (*b*) are in the affirmative, will the Honourable Member-in-charge, Railways and Commerce, be pleased to state the reason for this departure ?

Mr A. A. L. Parsons : (*a*) , (*b*) and (*c*) I have called for the information from the Agent, Eastern Bengal Railway, and will communicate with the Honourable Member on its receipt.

GRIEVANCES OF CERTAIN EMPLOYEES OF THE EAST INDIAN RAILWAY PRESSES OF HOWRAH AND CALCUTTA.

102. ***Maulvi Abdul Matin Chowdhury** (on behalf of Mr S C Mitra) (*a*) Is it a fact that, in reply to my starred question No 702, Government stated on 21st March, 1930, that the Agent of the East Indian Railway has been asked to deal with the memorial, dated 2nd January, 1930, of the compositors, distributors and binders of the East Indian Railway Presses of Howrah and Calcutta, as expeditiously as possible ?

(*b*) Is it a fact that the Honourable Member-in-charge received a telegram from the Secretary, Press Employees' Association, Calcutta, on 28th April, 1930, to the effect that great unrest was prevailing among the East Indian Railway Press workers ?

(*c*) Is it a fact that Government in letter No 117-E |30, dated 5th May, 1930, directed the Secretary, Press Employees' Association, to refer the matter to the Agent, East Indian Railway ?

(*d*) Is it a fact that the Agent, East Indian Railway, received a letter from the Secretary, Press Employees' Association, Calcutta, dated 6th June, 1930, for immediate disposal of the memorial of 2nd January, 1930 ?

(*e*) If the answers to (*a*), (*b*), (*c*) and (*d*) are in the affirmative, will Government be pleased to state what has been done with regard to the matter ?

Mr. A. A. L. Parsons : (*a*) Yes

(*b*) Yes

(*c*) Yes

(*d*) Government have no information

(*e*) Detailed proposals for revised scales of pay for the East Indian Railway Press employees have been framed and are under discussion between the Railway Board and the Agent, East Indian Railway

GRIEVANCES OF CERTAIN EMPLOYEES OF THE EAST INDIAN RAILWAY PRESSES OF HOWRAH AND CALCUTTA

103 ***Maulvi Abdul Matin Chowdhury** (on behalf of Mr S C Mitra) (*a*) Will the Honourable Member-in-charge, Railways and Commerce, be pleased to lay on the table a statement showing the names of the binders of the East Indian Railway Press, both of Calcutta and Howrah, with their respective lengths of service and the last increment allowed to each of them ?

(*b*) Is it a fact that under the existing rules the binders of the East Indian Railway Press are promoted to the next higher class, when the maximum of the grade is reached ?

(*c*) Is it a fact that the Printing Superintendent, East Indian Railway received a letter, dated 16th May, 1930, from the Secretary, Press Employees' Association, Calcutta, with a list of employees who have not been given any increment or promotion during the period ranging from 5 to 14 years ?

(*d*) If the reply to part (*c*) is in the affirmative, will Government be pleased to state the reasons for withholding promotion or increment to the employees as stated in the said letter ?

Mr. A. A L Parsons : (*a*), (*b*), (*c*) and (*d*) I have called for information from the Agent, East Indian Railway, and will communicate with the Honourable Member on its receipt

GRIEVANCES OF CERTAIN EMPLOYEES OF THE EAST INDIAN RAILWAY PRESSES OF HOWRAH AND CALCUTTA

104 ***Maulvi Abdul Matin Chowdhury** (on behalf of Mr S. C. Mitra) : (*a*) Is it a fact that the binders, pressmen, machinemen, galley proof pressmen and form carriers of the Government of India Press are in the superior service ?

(*b*) Is it a fact that the binders, pressmen, machinemen, galley proof pressmen and the form carriers of the East Indian Railway Press are in the inferior service ?

(*c*) If the replies to (*a*) and (*b*) are in the affirmative, will Government be pleased to state whether they intend to place the binders, machinemen, pressmen, galley proof pressmen and the form carriers of the East Indian Railway Press in the superior Service ?

Mr. A. A L. Parsons . (*a*) The Honourable Member's attention is invited to the reply given in Railway Board's letter No 117-E, dated 10th July, 1930, in answer to his question No 736 (*a*) of the 21st March, 1930

(*b*) No definite classification has been laid down by the East Indian Railway

(*c*) The question of the classification of the staff of the East Indian Railway Press is under consideration

GRIEVANCES OF CERTAIN EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, CALCUTTA

105 ***Maulvi Abdul Matin Chowdhury** (on behalf of Mr S C Mitra) (*a*) Is it a fact that, in reply to my starred question No 631, dated 18th September, 1929, regarding the pay of the piece-workers, Government of India Press, Calcutta, the Honourable Member-in-charge of Industries and Labour, stated that the same was under his careful consideration ?

(*b*) Is it a fact that, in reply to my starred question No 721, dated 21st March, 1930, the Honourable Member-in-charge of Industries and Labour, stated that the memorials of the piece-workers of the Government of India Press, Calcutta, were still under the consideration of the Government of India ?

(*c*) If the answers to parts (*a*) and (*b*) are in the affirmative, will Government be pleased to state the steps that have since been taken ?

(*d*) Will Government be pleased to lay on the table their correspondence with the Manager, Government of India Press, Calcutta, with his recommendations regarding the pay of the piece-workers ?

The Honourable Sir Joseph Bhore : (*a*) and (*b*) Yes

(*c*) Government have passed orders granting certain concessions to the memorialists

(*d*) Government do not propose to lay on the table a copy of the correspondence

GRIEVANCES OF CERTAIN EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

106 ***Maulvi Abdul Matin Chowdhury** (on behalf of Mr S C. Mitra) (*a*) Is it a fact that Government have received a memorial from the Mono-casters of the Government of India Press, Calcutta, dated 13th March, 1930 ?

(*b*) If the answer to (*a*) is in the affirmative, will the Honourable Member-in-charge, Industries and Labour, be pleased to state what steps have been taken in the matter ? If not, why not ?

(*c*) Is it a fact that according to the Civil Service Rules and Regulations, as well as the Government Servants' Conduct Rules, any employee suffering from an infectious disease is liable to dismissal ?

The Honourable Sir Joseph Bhore : (*a*) and (*b*) Yes. The memorial has been considered and rejected.

(*c*) The attention of the Honourable Member is invited to the reply given to part (*a*) of his starred question No. 665 in the Legislative Assembly on the 23rd September, 1929.

GRIEVANCES OF CERTAIN EMPLOYEES OF THE EASTERN BENGAL RAILWAY PRESS

107 ***Maulvi Abdul Matin Chowdhury** (on behalf of Mr. S. C. Mitra) : (*a*) Is it a fact that the salaried hands in the Eastern Bengal Railway Press, are allowed increments in their pay while the piece-workers do not get any increment whatsoever ?

(*b*) If the reply is in the affirmative, will Government be pleased to state the reasons therefor ?

(*c*) Will the Honourable Member-in-charge, Railways and Commerce, be pleased to state whether Government are contemplating giving increments to the piece-workers of the Eastern Bengal Railway Press ?

(*d*) Is it not a fact that the compositors are promoted to section-holders, the section-holders to overseers, in the Government and railway Presses ?

(*e*) Is it not a fact that the present overseer of the Eastern Bengal Railway Press has been recruited from the clerical staff ?

(*f*) If the answers to (*d*) and (*e*) are in the affirmative, will Government be pleased to state the reasons for (*e*) ?

Mr. A. A. L. Parsons : (*a*), (*b*), (*d*), (*e*) and (*f*) I am calling for the information and will communicate with the Honourable Member on its receipt.

(*c*) The Honourable Member's attention is drawn to the reply I have just given to his question No. 102 (*c*).

GRIEVANCES OF CERTAIN EMPLOYEES OF THE EAST INDIAN RAILWAY PRESS, HOWRAH.

108 ***Maulvi Abdul Matin Chowdhury** (on behalf of Mr. S. C. Mitra) : (*a*) Is it a fact that Government have received a memorial from the employees of the ticket printing, Howrah, East Indian Railway Press, dated 25th June, 1930 ?

(*b*) If the answer is in the affirmative, will overnment be pleased to state what action has been taken in the matter ?

Mr. A. A. L. Parsons : (*a*) No.

(*b*) Does not arise.

DELIVERIES FROM NALDHI POST OFFICE

109 **Maulvi Abdul Matin Chowdhury** (on behalf of Mr S C Mitra) (*a*) Is it a fact that, in reply to my starred question No 732, the Honourable Sir Bhupendra Nath Mitra stated on 21st March, 1930, that the copy of the question was forwarded to the Post Master General, Bengal and Assam ?

(*b*) If the reply to (*a*) is in the affirmative, will the Honourable Member-in-charge, Industries and Labour, be pleased to state what action has since been taken in the matter ?

(*c*) Will Government be pleased to lay on the table a comparative statement showing the number of deliveries made during the last six months in the villages of Sankerpore and Hobokhali under the Naldhi P O in the district of Jessore ?

(*d*) Is it a fact that the number of beats in the village of Sankerpore under the Naldhi P O in the district of Jessore has been reduced to two in place of five ?

(*e*) Is it a fact that number of beats in the village of Hobokhali under the P O Naldhi has been increased from two to five ?

(*f*) Is it a fact that the income from the village of Sankerpore is more than the village of Hobokhali ?

(*g*) Will the Honourable Member-in-charge, Industries and Labour, be pleased to state the number of peons employed in the Post Offices of Naldhi and Nohatta, respectively, in the district of Jessore ?

(*h*) Will Government be pleased to state whether they contemplate increasing the number of peons and introducing the system of daily beat in Sankerpore under the Naldhi P O ?

Mr. H. A. Sams : (*a*) Yes.

(*b*) The village is now served three times instead of twice a week

(*c*), (*e*) and (*f*) The information is being collected and will be supplied to the Honourable Member when received

(*d*) No.

(*g*) It is presumed that by the term " peon " postman is meant There is one postman at Naldhi and there are three at Nohatta

(*h*) No, the number of articles is not sufficiently large to justify a daily service

INSTALLATION OF A TELEPRINTER AT THE PARK STREET TELEGRAPH OFFICE, CALCUTTA

110 ***Maulvi Abdul Matin Chowdhury** (on behalf of Mr S C Mitra) (*a*) Will Government be pleased to state if it is a fact that a telegraph typewriter machine has been fitted at the Park Street, T. S O, Calcutta, for receiving telegrams ?

(*b*) If so, will Government be pleased to state what the price of the machine is ?

(*c*) Is it a fact that a mechanic has also been appointed to repair the machine, when it becomes out of order ?

(*d*) If so, what is the pay of the mechanic and for how many hours a month does he work ?

(*e*) How many telegrams are daily received on an average in the Park Street T S O for delivery ? What is the approximate amount that has been saved to the department by fitting that machine for receiving telegrams since the appointment of that mechanic ?

Mr. H. A. Sams : (*a*) Yes The apparatus is known as a " tele printer "

(*b*) Rs 1,500

(*c*) No One of the mistries employed in the Central Telegraph Office, Calcutta, attends to the machine when necessary

(*d*) Does not arise

(*e*) The average number of telegrams received daily in the Park Street Telegraph Office is 136 The arrangement, which is of a purely experimental nature, was started on 23rd June, 1930 It was introduced not with the object of effecting an economy in the working of the Park Street Office, but with the object of testing the suitability of this system of working between the Central Telegraph Office and the local offices in order to secure the more expeditious disposal of telegrams by decentralising the delivery work which is at present centralised in the Central Telegraph Office, Calcutta As stated in reply to part (*c*) of the question, no special mechanic has been appointed to look after the machine

Denial of First Class Powers to the Sub-Postmaster, Beadon Street Post Office, Calcutta.

111 **Maulvi Abdul Matin Chowdhury** (on behalf of Mr S C Mitra) : (*a*) Will Government be pleased to state if it is a fact that the Sub-Postmasters of Kalvadevi and Mandvi in Bombay and of Barabazar in Calcutta have been given certain powers of first class Postmasters and they are no longer under the Divisional Superintendents ?

(*b*) If so, will Government be pleased to state why the same powers have not been conferred on the Sub-Postmaster of Beadon Street in Calcutta ? Is he equal in rank and pay to those of Kalvadevi, Mandvi and Barabazar T S Os ?

(*c*) Is it a fact that the house rent of the Beadon Street T S O. (Calcutta) is Rs 1,500 per month, and is this high rent paid on account of the importance of the T S O ?

(*d*) Will Government be pleased to state why the Sub-Postmaster of Beadon Street T S O has been denied first class powers and been compelled to work under the Divisional Superintendent ?

Mr. H. A Sams : (*a*), (*b*) and (*d*) Inquiries are being made and the results will be communicated to the Honourable Member in due course

(*c*) The reply to the first part of the question is in the affirmative. As regards the second part, the rent paid for a post office is determined by prevailing local rentals and the extent of the accommodation required.

APPOINTMENT OF SELECTION GRADE SUPERVISORS FOR POSTAL DEPARTMENTS

112 ***Maulvi Abdul Matin Chowdhury** (on behalf of Mr S C Mitra) (*a*) Will Government be pleased to state if it is a fact that the Postal Inquiry Committee recommended that a Department with an office of five clerks or more should be under the supervision of a selection grade official ?

(*b*) If so, will Government be pleased to state how many clerks there are in the following Departments of the Calcutta General Post Office and whether they have got selection grade supervisors ?

1 Registration Packet Sorting

2 Money Order Delivery Department

3 Money Order Audit Department

4 Division No 7 and 9 of the Parcel Sorting Department

5 Issue, Receipt and Registration Sections of the Correspondence Department

(*c*) Will Government be pleased to state how many Departments there are in the Calcutta General Post Office over and above those mentioned above, where there are five or more clerks, but where there are no selection grade supervisors ?

(*d*) Will Government be pleased to state the reasons why selection grade posts have not been sanctioned for these Departments ?

(*e*) Is it a fact that there are three selection grade appointments in the Accounts Department of the Calcutta General Post Office ? What is the strength of that Department ?

(*f*) Will Government be pleased to state whether they are prepared to transfer one of these appointments to another department where there is absolute necessity for a selection grade post, in case they cannot sanction all the posts just at present ?

Mr. H. A. Sams : (*a*) No

(*b*), (*c*) and (*d*) Do not arise

(*e*) There are three selection grade appointments , and the strength of the Department is 16

(*f*) Any suggestion received from the Postmaster-General for a redistribution of the selection grade posts will receive my careful consideration

PHTHISIS AMONGST THE STAFF OF THE HOWRAH POST OFFICE.

113 ***Maulvi Abdul Matin Chowdhury** (on behalf of Mr S. C. Mitra) (*a*) Has the attention of Government been drawn to correspondence in the *Labour* entitled " Phthisis at Howrah " published in its issue of May, 1930 ?

(*b*) Is it a fact that the Howrah Post Office was once visited by the Civil Surgeon of Howrah, who spoke of the bad condition of the office and recommended evacuation in the interests of the health of the staff ?

(*c*) Is it a fact that altogether 18 deaths have occurred amongst the staff of the Post Office up till now ?

(*d*) Will Government be pleased to supply a copy of the report of the Civil Surgeon, Howrah, in this matter ?

Mr. H. A. Sams : (*a*) Government have seen the correspondence

(*b*) and (*d*) Yes , a copy of the Civil Surgeon's report is being furnished to the Honourable Member

(*c*) Thirteen deaths occurred from May, 1926, to March, 1930, including one from phthisis

REPORTED LOSS ON THE POSTS AND TELEGRAPHS DEPARTMENT.

114 ***Maulvi Abdul Matin Chowdhury** (on behalf of Mr S. C Mitra) (*a*) Has the attention of Government been drawn to an article in the *Times of India* on the 28th March, 1930, under the caption "Indian Posts and Telegraphs Are they running at a loss ?" which article was subsequently reproduced in the April issue of *Labour* ?

(*b*) Is it a fact that postage stamps are supplied free of charge to Rulers of the Indian States, as has been stated therein ?

(*c*) If so, will Government be pleased to state the exact amount of postage supplied to them during the last two years ?

(*d*) Will Government please state why the amount is not charged for from them "

The Honourable Sir Joseph Bhore : (*a*) Yes

(*b*) Yes Service postage stamps are supplied to certain Indian States free of charge

(*c*) Free postage stamps to the value of Rs 3,01,735 were supplied in 1928-29 and Rs 3,32,138 in 1929-30 , but in addition free postal service within the State is also allowed in certain cases, the aggregate annual value of which amounts to about Rs 6½ lakhs

(*d*) The amounts are not recovered from the States because the arrangements form part of the mutual agreements or understandings relating to the working of the Indian Posts and Telegraphs Department in the several States

RAIL AND STEAMER PASSES FOR POSTAL SUPERINTENDENTS AND INSPECTORS.

115 ***Maulvi Abdul Matin Chowdhury** (on behalf of Mr S C. Mitra) (*a*) Is it a fact that, several years ago, the Postal and Railway Mail Service Superintendents and Postal and Railway Mail Service Inspectors were given free passes for travelling in railways and steamers in connection with their work of inspection or investigation ?

(*b*) If the reply to the above be in the affirmative, will Government be pleased to state whether this concession has been withdrawn by Railways and steamer companies ? If so, why ?

(*c*) Will Government be pleased to state the amount which was spent in the last two years for paying train and steamer fares to the Superintendents and Inspectors ?

(*d*) Will Government be pleased to supply a copy of the letter or Resolution of the Government of India under which the railways issued free passes to the Superintendents and Inspectors ?

Mr. H A Sams : (*a*) and (*b*) Yes, but the concession was withdrawn, by railways only, from the 1st April, 1926, except in so far as it was necessary to continue it for Railway Mail Service work, this change being made because of the commercialization of the Railways and the Posts and Telegraphs Department

(*c*) Government have no precise information readily available The trouble involved in the collection of the information would be considerable Government do not therefore propose to ascertain the amount

(*d*) A copy of the Government of India Public Works Department Circular No XLII-Railway, dated the 16th November, 1881, and of the Rules for Free Passes attached thereto will be given to the Honourable Member

CONVEYANCE OF MAILS BY GARRAGE (CALCUTTA), LIMITED

116 ***Maulvi Abdul Matin Chowdhury** (on behalf of Mr S C Mitra) (*a*) With reference to paragraph 2 of the agreement between Garrage (Calcutta), Ltd and the Director General of Posts and Telegraphs for conveyance of mails of the Calcutta General Post Office and the T. S Os, by motor vans, will Government be pleased to state whether the contractors maintain a fleet of cars, as has been mentioned in that paragraph ?

(*b*) Will Government be pleased to state how many motor cars have been built by the Company up to 31st March, 1930, since taking over the work and what are their respective carrying capacities ?

(*c*) Have these cars been approved by the Postmaster General, Bengal and Assam with reference to the schedule of trips prepared by the Presidency Postmaster Calcutta ?

(*d*) Will Government be pleased to supply a statement showing the amount paid to the contractors in the year 1927-28, 1928-29 and 1929-30 ?

Mr H. A. Sams . (*a*) Yes

(*b*) Eighteen Cars

Details —6 one-ton Fords
6 half-ton Fords
2 one and half ton Beans
2 one-ton San Fords
1 one and half ton San Fords
1 quarter-ton Trojan

(*c*) Yes

(*d*) 1927-28—Rs. 2,07,023-2-0
1928-29—Rs 2,13,825-0-0
1929-30—Rs 2,08,955-0-0

The figures include the cost of extra haulage

SCOPE OF THE RETRENCHMENT OFFICER'S INQUIRIES.

117 ***Maulvi Abdul Matin Chowdhury** (on behalf of Mr S. C. Mitra) (*a*) Will Government be pleased to state if it is a fact that a

Retrenchment Officer has been appointed by the Government to effect retrenchment in all Departments of the Government of India ?

(*b*) If the reply be in the affirmative, will Government be pleased to state the terms and scope of the inquiry to be made by the Retrenchment Officer ?

(*c*) Will Government be pleased to state whether they intend to effect retrenchment in the Postal Department also ? If so, on what lines ?

The Honourable Sir George Schuster : (*a*) and (*b*) I would invite the Honourable Member's attention to paragraph 5 of the Proceedings of the Meeting of the Standing Finance Committee, Volume IX, No 19. An officer has been placed on special duty in the Finance Department to carry out, in conjunction with that Department, a detailed and technical review of the various causes operating to increase the administrative expenditure of the Central Government, and to explore avenues of economy.

(*c*) The possibility of effecting retrenchment in the sense of economies in working is continuously before the responsible heads of the Post and Telegraphs Department Government are also considering the question of undertaking a special examination of the growth of expenditure in this Department on the lines now being followed for the ordinary administrative services by the Officer on Special Duty in the Finance Department. A decision on this point will be taken shortly

APPOINTMENT OF MR J N GUPTA AS ACCOUNTANT, CALCUTTA GENERAL POST OFFICE.

118 ***Maulvi Abdul Matin Chowdhury** (on behalf of Mr S C Mitra) (*a*) With reference to starred question No 538 in the Legislative Assembly on the 12th March, 1930, about the appointment of Mr J N Gupta as Accountant, Calcutta General Post Office, will Government be pleased to state what the Government mean by "so long as he works in and is considered suitable for the appointment" as appears in the reply to part (*b*) of that question ?

(*b*) Will Government be pleased to state how many years an official can work in a particular appointment provisionally ?

(*c*) Have Government called for any report from the authorities concerned as to the suitability and fitness of Mr J N Gupta ?

Mr. H. A. Sams : (*a*) The meaning is that Mr J N Gupta will hold the post of Accountant, Calcutta General Post Office, so long as he works satisfactorily in that post

(*b*) There is no prescribed time limit

(*c*) No

GRANTS MADE TO RECREATION CLUBS OF POSTAL AND TELEGRAPH OFFICIALS.

119. ***Maulvi Abdul Matin Chowdhury** (on behalf of Mr S. C. Mitra) (*a*) Will Government be pleased to state what amount of grant was made to the Recreation Clubs of postal officials and telegraph officials, and on what condition ?

(*b*) Will Government please state what amount has been provided in this year's budget ?

The Honourable Sir Joseph Bhore : (*a*) During the year ending March 31st, 1930, Rs 6,840 were granted to Postal and Railway Mail Service Recreation Clubs, and Rs 4,965 to Telegraph Recreation Clubs These grants are given to Clubs intended solely for recreation purposes and which are properly organised and managed

(*b*) Rs 7,500 for Postal and Railway Mail Service Recreation Clubs and Rs 5,000 for Telegraph Recreation Clubs

PAY OF EXTRA DEPARTMENTAL AGENTS IN CERTAIN POST OFFICES IN BENGAL

120 ***Maulvi Abdul Matin Chaudhury** (on behalf of Mr S C Mitra) (*a*) Will Government be pleased to state the pay of the Extra Departmental Agents in the E D Offices of Musapur, Maitbhanga, Aminullah, respectively, in the District of Noakhali (Bengal) ?

(*b*) Is it a fact that the Extra Departmental Agent in the Nyamasti Post Office in the same locality gets an allowance of Rs 6 only ?

(*c*) Will Government be pleased to state the difference in pay between that of the Extra Departmental Agent of Nyamasti and that of the Extra Departmental Agents of other Post Offices mentioned in (*a*) above ? Do Government contemplate to remove this disparity ?

Mr. H A Sams : (*a*) Extra Departmental Agents do not receive pay but allowances, which in the cases of the offices referred to by the Honourable Member are Rs 9, Rs 14 and Rs 14, respectively

(*b*) Yes

(*c*) The differences are Rs 3, Rs 8 and Rs 8, and as these allowances are fixed with due regard to the amount of work performed by the various Extra Departmental Agents, such disparities are inevitable, nor is there any general case for their removal

RUFFIANLY ATTACKS ON OVERSEERS, POSTMEN AND RUNNERS

121 ***Maulvi Abdul Matin Chaudhury** (on behalf of Mr S. C. Mitra) . (*a*) Is it a fact that of late many overseers, runners and postmen have been attacked by ruffians, and as a result of which some of them died and the Government cash and mails were looted ?

(*b*) If so, will Government be pleased to state how many cases of this nature occurred during the years, 1929 and 1930 ?

(*c*) Will Government please state what they propose to do to give protection to these men from the attack of ruffians, and what provision has been made for their families ?

Mr. H A Sams : (*a*) There have been some cases of the kind.

(*b*) 18 cases occurred in 1929, in which 4 were attended with murder, and 19 in 1930, in which 4 were attended with murder

(*c*) No measure short of an expensive escort can give effective protection against attacks by ruffians. As a preventive measure, however,

conveyance of mails and cash is restricted to the day time and double sets of runners are employed where necessary Postmen are allowed departmental escorts when the amount of cash is heavy An extraordinary gratuity or family pension has been sanctioned in some cases, while others are under consideration

WRETCHED CONDITION OF THE MAGRA POST OFFICE

122 ***Maulvi Abdul Matin Chaudhury** (on behalf of Mr. S C Mitra) (*a*) Has the attention of Government been drawn to a complaint under the caption " Working under an umbrella " stating about the wretched condition of the Magra Post Office ?

(*b*) Will Government please state whether it is a fact that, in spite of representation about the wretched condition of the Post Office, no action has been taken by the Superintendent of Post Offices, Hooghly Division ?

(*c*) Will Government please state what action they propose to take to remedy the wretched condition of the Magra Post Office and make it habitable ?

Mr H A Sams : (*a*) Yes.

(*b*) The fact is not as stated Action was taken by the Superintendent of Post Offices, Hooghly Division, on receipt of a representation from the Sub-Postmaster, Magra No building was, however, available in the locality for the temporary accommodation of the Magra Post Office

(*c*) A sum of Rs 927 was sanctioned by the Postmaster-General, Bengal and Assam Circle, on the 16th June, 1930, for thorough repairs to the Magra Post Office building The work is in progress

HARDSHIPS OF POST OFFICE SAVINGS BANK CLERKS

123 ***Maulvi Abdul Matin Chaudhury** (on behalf of Mr S C Mitra) (*a*) Has the attention of Government been drawn to an article under the caption " Hardship of the Savings Bank Clerks " published in May, 1930, issue of the *Labour* ?

(*b*) Is it a fact that the Accountant-General, Posts and Telegraphs, has submitted certain proposal to the Director-General regarding work of the Savings Bank Department which has not yet been accepted by the Director-General ?

(*c*) If so, will Government please state what they propose to do to give relief to the Savings Bank Clerks ?

Mr H. A. Sams : (*a*) Yes.

(*b*) and (*c*). Yes, the matter is still under consideration.

LOSS OF LIFE ON THE DIBRU-SADIYA RAILWAY LINE

124. ***Mr. Anwar-ul-Azim** : (*a*) Will Government be pleased to state what is the relation of the Government of India with the Dibru-Sadiya Railway in Assam ? Has the attention of Government been drawn to the fact that the Dibru-Sadiya Railway passes through the town of Digboi from Charali to Digboi station and that it is responsible for the loss of many lives on that account ?

(*b*) Are Government prepared to consider the desirability of having that part of the said Railway Line fenced by the Company ?

Mr A A L Parsons (*a*) and (*b*). I am making inquiries and will let the Honourable Member have a reply in due course

LACK OF MONEY ORDER AND POSTAL FACILITIES IN THE DIGBOI THANA

125 ***Mr Anwar-ul-Azim** . Will Government be pleased to state what are the post office hours, for registration and money orders in Dibrugarh Head Office ? How many post offices are there in Digboi Thana of Lakhimpur District ? Are Government aware that the labouring populations of Digboi suffer greatest hardship and troubles for want of proper facilities for sending their money orders and registered articles ?

Mr. H. A. Sams : The hours for registration and issue of money orders at Dibrugarh Head Office are

Registration	From 7 A M to 10 A.M and from Noon to 3 P M On Saturdays from 8 to 10 A M. and from Noon to 2 P.M
Money Orders	From 9 A M to 2 P M On Saturdays from 9 A.M. to Noon.

There is only one Post Office, *viz*, Digboi, in the Digboi Thana

Only one complaint has been received, namely, from the Labour Superintendent in May, last, about the inconvenience felt by the Labourers in issuing money orders On investigation it was found to be due to the sudden illness of one of the postal clerks

REVENUE DERIVED FROM PETROL AND OIL IN ASSAM

126. ***Mr. Anwar-ul-Azim** : Will Government be pleased to state how much revenue on petrol annually they get from the Assam Oil Company at Digboi (Assam), and how much from royalties on oil ?

The Honourable Sir George Schuster : Taking the average for the last four years the amount of excise duty collected on motor spirit produced at the Digboi refinery was Rs 14,42,554 Information regarding royalties on the oil wells has been called for and it will be communicated to the Honourable Member separately when received

SELECTION OF REPRESENTATIVES FOR THE ROUND TABLE CONFERENCE

127 ***Mr Anwar-ul-Azim** : Will Government be pleased to state on what basis and on whose recommendations, representatives from the provinces will be selected to sit on the Round Table Conference ?

The Honourable Mr H. G. Haig : The Honourable Member is referred to the reply which I gave to parts (*c*) and (*d*) of Mr M. K. Acharya's question No 84

MEMBERS OF THE LEGISLATIVE ASSEMBLY APPOINTED TO THE CENTRAL BANKING INQUIRY COMMITTEE.

128 ***Mr Anwar-ul-Azim** : Will Government be pleased to state how many Members of the Legislative Assembly were selected to serve

on the Central Banking Inquiry Committee ? What is their status now, if they have resigned their seats in the Assembly ?

The Honourable Sir George Schuster : Excluding the Chairman, seven members of the Central Banking Inquiry Committee were Members of the Legislative Assembly Two of these have resigned their seats in the Assembly Their resignation does not affect their status as members of the Committee

Denial of Land to ex-Service Sepoys of Merwara

129 ***Rai Sahib Harbilas Sarda** : (*a*) Is it a fact that agricultural land in the Punjab was granted to Indian non-commissioned officers and sepoys who fought for Britain in the World War, 1914—1918 ?

(*b*) Is it a fact that the District of Merwara (Ajmer Province) furnished the largest percentage of its population as sepoys in India in the war ?

(*c*) Is it a fact that when agricultural land was awarded to those who had gone to that war, no land was given to sepoys from Merwara on the ground that land in the Punjab was reserved for Punjabi sepoys ?

(*d*) Is it a fact that the sepoys of Merwara were admitted as eligible for grant of land in connection with the Sindh Barrage scheme and they were told that their claims would be considered when land under that scheme was granted ?

(*e*) And is it a fact that when these sepoys have now applied for land under the Sindh Barrage scheme they have been told that Bombay and Punjab sepoys alone are eligible for this land ?

(*f*) Will Government state why the people of Merwara who furnished the highest percentage of fighting men in the whole of India are being debarred from all award of land, while sepoys from other provinces are given agricultural land ?

Mr G M. Young . (*a*) and (*c*) Under the Special War Reward Scheme, land in the Punjab, as in other provinces, was granted to Indian officers and other ranks of the agricultural class, who distinguished themselves in the Great War, or to the heirs of deceased soldiers of that class. The majority of grantees were Punjabis, but the Punjab Government, as a special case for the purpose of the scheme, accepted in addition as colonists, residents of the Delhi Province, the North West Frontier Province, the country beyond that province, Kashmir, and the Indian States in the Punjab Where no land was available cash rewards were granted

(*b*) No, Sir I know of at least one† district which furnished a higher percentage

(*d*) The Government of India have no information

(*e*) The Bombay Government have imposed the condition that colonists in the Lloyd Barrage Scheme must be residents of the Punjab, Delhi or the United Provinces and belong to the agricultural classes

(*f*) I would ask the Honourable Member to refer to my replies to parts (*a*), (*c*), and (*d*) I would add that land is not being given free to any military grantees in the Sindh Barrage colonisation area

†Rawalpindi

APPOINTMENT OF A WHOLE-TIME SUPERINTENDENT OF EDUCATION FOR AJMER-MERWARA.

130 *Rai Sahib **Harbilas Sarda** (*a*) Is it a fact both Delhi and Ajmer are under the direct administration of the Government of India and that both the provinces contain approximately the same population Delhi having 488,188 and Ajmer-Merwara 495,271 ?

(*b*) Is it also a fact that, while, taking the year 1928-29, in Delhi 65 4 per cent of the boys of the school-going age attended school, in Ajmer only 27 9 per cent did so ?

(*c*) Is it also a fact that, while in Delhi, enrolment of boys in Municipal schools of Delhi went up six times from 1,468 in 1922-23 to 8,549 in 1928-29, the enrolment in Ajmer rose only from 6,610 to 10,524

(*d*) Are Government aware that, out of a total population of 2,25,70 females in Ajmer-Merwara, only 1,395 girls are under instruction, giving a percentage of 0 621 ?

(*e*) Is it also a fact that the number of primary schools for girls in Ajmer-Merwara decreased from 12 in 1921-22 to 7 in 1926-27 and the expenditure on these schools went down from 10,595 in 1921-22 to 6,90 in 1926-27 ?

(*f*) Will Government state if this "deplorable state of affairs" to use the words of the last Quinquennial Report on Education in Ajmer Merwara, is due to the fact that the Officer, who is Superintendent of Education both for Ajmer and Delhi, lives out of Ajmer-Merwara and only pays occasional visits to Ajmer ? If not, to what is it due ?

(*g*) Are Government aware that the people of Ajmer-Merwara think that the first necessity of Ajmer in the matter of education is to have a full time fully qualified educational officer as Superintendent of Education, Ajmer-Merwara to organise education in its various grades and especially of girls in the province of Ajmer without avoidable delay ?

(*h*) Are Government aware that both the local Administration and the people of Ajmer-Merwara think that the appointment of a single Officer as Superintendent of Education for Delhi, Ajmer, and Central India with Headquarters at Delhi, is highly detrimental to the educational interest of Ajmer-Merwara, and that the educational needs of the people of Ajmer-Merwara can never be properly looked after by an officer who *does not live all the year round* in Ajmer ?

(*i*) Do Government propose to consider the question of appointing, as soon as possible, a whole time Superintendent of Education for Ajmer Merwara only ?

Sir Frank Noyce : (*a*) Yes

(*b*) The percentages enrolled were 77 and 35, respectively.

(*c*) The figures given for Delhi relate to municipal board primary schools The corresponding figures for Ajmer-Merwara are 301 and 783 respectively

(*d*) The figures quoted are for 1926-27. In 1928-29, the number of girls under instruction increased to 3,252, being 1 3 per cent of the population

(*e*) Yes , but the decrease is only nominal as three of the schools were converted into middle schools and two small schools were amalgamated with a central girls' school at Ajmer

(*f*) In the quinquennial report referred to by the Honourable Member, the backwardness of girls' education in Ajmer-Merwara is stated to be due in large part to purdah restrictions, early marriage, lack of demand for the education of girls and the want of a separate female inspecting agency

(*g*) and (*h*) No

(*i*) There is a whole-time Assistant Superintendent of Education for Ajmer-Merwara and Government trust that when a whole-time Superintendent of Education for Delhi, Ajmer-Merwara and Central India is appointed in the near future the administration of education in these areas will considerably improve

Rai Sahib Harbilas Sarda : Does the Honourable Member think that 1·3 per cent of the girls being educated is a proper proportion in Ajmer-Merwara when in other provinces it is ten or 12 times higher ?

Sir Frank Noyce : I agree with the Honourable Member that the proportion is not satisfactory

Dr Ziauddin Ahmad : It was stated that the Superintendent would be appointed at an early date May I ask what is the definition of " at an early date " ? Will he be appointed in 1930 ?

Sir Frank Noyce . I hope so, Sir

COLLECTION OF WATER IN THE BISLA TANK AT AJMER

131 ***Rai Sahib Harbilas Sarda** (*a*) Is it a fact that water is allowed to collect in the Bisla tank at Ajmer only for three months after the rains for the benefit, and at the sole request, of the Bombay Baroda and Central India Railway Officers to help the wells in their compounds, and then drained off ?

(*b*) Are Government aware that the revenue authorities of Ajmer opposed this request of the Railway authorities to let the water collect in the tank as being ruinous to the owners of land in the bed of the lake ?

(*c*) Is it also a fact that the railway authorities agreed to pay compensation to such owners of land for the injury done to them by the accumulation of water in Bisla ?

(*d*) Do Government propose now either to stop collecting water in the Bisla, or make the railway authorities pay proper compensation to the owners of land in the bed of the Bisla tank ?

Mr. A A. L. Parsons : I have made enquiries from the Agent of the Bombay, Baroda and Central India Railway and will communicate with the Honourable Member in due course

INVIDIOUS DISTINCTIONS AMONGST EXAMINEES FOR SELECTION GRADE POSTS IN THE POSTS AND TELEGRAPHS DEPARTMENT.

132. ***Mr. Saradindu Mukerjee** : (*a*) Is it a fact that, in the last selection grade examination held by the Director General of Posts and

Telegraphs, a distinction was made between officials below 40 years of age and above, by which the former were compelled to appear in four subjects, and the latter in two only ? If so, will Government kindly state the reasons justifying such a new departure in the matter of examination ?

(*b*) Is it a fact that the examination was postponed on more than one occasion before it was finally postponed *sine die* ? If so, will Government kindly state the reasons ?

(*c*) Were any complaints received that the time allowed for preparation was inadequate in the case of those persons who had to appear in four subjects ? Is it also a fact that such examinees were denied any extension of time by the Director General though appealed to do so ? Will Government please state the reason for such denial ?

Mr H A. Sams : (*a*) Yes The examination was the first of its kind and the distinction was made with a view to avoid hardship to the senior officials who, on account of their age, might perhaps have found it difficult to prepare for the examination in the time allowed

(*b*) The Honourable Member is referred to the reply given to parts (*b*) and (*c*) of Mr C S Ranga Iyer's unstarred question No 245 in the Legislative Assembly on the 20th February, 1929

(*c*) Yes It was not considered necessary to grant an extension since the examination related in the main to matters with which the candidates were familiar and men of under 40 years should have had little difficulty in preparing for the examination in all four subjects in the time available Moreover, two of the four papers were to be answered with the help of books

REDISTRIBUTION OF AREAS OF THE ORIYA-SPEAKING PEOPLES

133 ***Mr B N Misra** : (*a*) Are Government aware of

(*i*) the recommendations of Mont-Ford Report in 1919 " that a sub-province for Orissa should be formed at no distant date " ,

(*ii*) the recommendations of the Simon Commission " that the question of redistribution of the areas of the Oriya speaking peoples will be first considered " besides the long standing agitation of the Orivas and promises by Government in the same matter ?

(*b*) If the answer to part (*a*) is in the affirmative will Government be pleased to state

(*i*) whether they intend to make a redistribution of the Oriya speaking areas on the existing materials before them, collected during the last 30 years , or

(*ii*) whether they propose to appoint a fresh committee of officials and non-officials to inquire into the same , or

(*iii*) whether, in the latter case, Government are prepared to name the personnel and appoint such a committee immediately to begin their work ?

The Honourable Mr H. G Haig : (*a*) (*i*) and (*ii*) Government are aware of the references to Orissa in paragraph 246 of the Joint Report, and of the recommendation of the Indian Statutory Commission that the

Boundaries Commission should be set up to investigate the main cases, including Orissa, in which provincial readjustment seems called for.

(*b*) The recommendations of the Commission are now being considered by Government In the meantime I regret that I am unable to make any statement in reply to the points raised in this part of the Honourable Member's question

Dr. Nand Lal : Is there any definite date on which these boundaries will be settled and its recommendation will receive appreciation ?

The Honourable Mr. H G Haig : No, Sir No definite date can be fixed for such a decision until the matter has been further considered.

Dr Nand Lal : May I ask when that matter will be considered ? May I venture to ask the exact date when consideration will be extended to this matter ?

The Honourable Mr. H G Haig : As I have already informed the House, the Government of India are giving the most intense consideration to the whole question

Mr B. N Misra : May I ask the Honourable Member whether at any rate it will be done before the proposed Government of India Act is introduced in the House of Commons ?

The Honourable Mr H G Haig . I am afraid I cannot give any definite assurance on that point until we explore the matter further.

Dr Ziauddin Ahmad · Will the fixing of the boundaries of the North West Frontier Province form part of the terms of reference to this Commission ?

Mr Gaya Prasad Singh · That question does not arise out of this.

The Honourable Mr. H G Haig · I was not aware that the question of the boundaries of the North West Frontier Province was in issue

SELECTION GRADE POSTS OF ACCOUNTANTS AND ASSISTANT ACCOUNTANTS IN HEAD POST OFFICES

134 ***Mr A H Ghuznavi** : (*a*) Is it a fact that the Director General, Posts and Telegraphs, laid down the principle, as far back as 1927, of appointing passed accountants only to selection grade posts of accountants and assistant accountants in Head Post Offices ?

(*b*) Is it a fact that the Government of India are in agreement with the principle mentioned in part (*a*) ?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, will Government be pleased to state whether the selection grade appointments of accountants or assistants have been filled up by passed accountants in (*i*) Head Post Offices in India (including Burma), and (*ii*) also in the Calcutta General Post Office ?

(*d*) If the answer to part (*c*) be in the negative, will Government be pleased to state why it is not possible to transfer unpassed accountants, holding these posts, to the general line in the same grade ?

(*e*) Is it a fact that the post of accountants and assistant accountants in the selection grade do not by themselves constitute a separate cadre ?

(*f*) Is it a fact that the Director General, Posts and Telegraphs, has issued orders for rotation of charges at regular interval and that no official can claim to remain in a particular appointment indefinitely ?

(*g*) If the answers to parts (*e*) and (*f*) be in the affirmative, will Government be pleased to state why the unpassed accountants have been allowed to hold the posts of accountants and assistant accountants in selection grades in (*i*) any Head Post Office in India (including Burma), and (*ii*) also in the Calcutta General Post Office even after the issue of the recent orders of the Government of India on the subject ?

The Honourable Sir Joseph Bhore : Information on some of the points referred to has been called for As soon as this is received a reply will be given to the whole question

SIEGE OF DEHRA ISMAIL KHAN BY THE POLICE AND MILITARY

135 ***Dr. Nand Lal** : (*a*) Is it a fact that a portion of Dera Ismail Khan town was besieged completely by police and military from 1st to 4th June, 1930, and that no body was allowed to go from one street to another ?

(*b*) Is it also a fact that the aforesaid action was taken under section 144 of the Criminal Procedure Code ?

(*c*) Is it a fact that the local Bar at Dera Ismail Khan made representation that the action, mentioned above, was illegal ?

(*d*) Will Government be pleased to state as to what action has been taken against the officials concerned of Dera Ismail Khan for putting peaceful citizens of that town in trouble by the act described in clause (*a*) above ?

The Honourable Mr H G Haig : (*a*) No One portion of the Dera Ismail Khan city was isolated from the rest in order to prevent the inhabitants from taking unlawful processions to other areas

(*b*) Yes

(*c*) Not so far as is known

(*d*) The action was taken under the law and the question therefore does not arise

OVERCROWDING OF THIRD AND INTERMEDIATE CLASS CARRIAGES ON THE NORTH WESTERN RAILWAY

136 ***Dr Nand Lal** : (*a*) Is it a fact that there is considerable overcrowding in third class passenger trains over the North Western Railway ?

(*b*) Is it a fact that there is overcrowding in the intermediate class in some of the mail trains over the North Western Railway ?

(*c*) If so, do Government propose to remedy this overcrowding ?

Mr A A. L. Parsons : (*a*), (*b*) and (*c*). A census of passengers on trains was taken by the North Western Railway in November, 1929. It was found that on 6 regular trains third-class carriages were frequently overcrowded Out of the 679 occasions on which a census was

taken, overcrowding in inter class carriages was found four times The Agent of the North Western Railway reported in January, 1930, that steps were being taken to remedy overcrowding by attaching extra carriages or, where this is not practicable, by restricting passengers holding tickets up to 50 miles travelling by certain trains on sections where overcrowding occurs I am having a copy of this question and answer sent to the Agent, North Western Railway

Dr Nand Lal : May I ask why concession in summer season between Lahore and Simla which was in vogue in previous years has been stopped by the Railway Department this year ?

Mr President : I do not think this supplementary question arises out of the question which the Honourable Member has put

PAUCITY OF LETTER BOXES IN SIMLA

137 **Dr Nand Lal** : (*a*) Is it a fact that some of the important suburbs of Simla are without letter boxes, although a large number of tax-payers reside in those localities ?

(*b*) Are Government prepared to provide at least one letter box in every important suburb of Simla ?

Mr H A Sams : (*a*) No

(*b*) Letter boxes have already been provided in localities where they are needed and where there is a demand for them No complaints have been received regarding a lack of letter boxes in important suburbs of Simla.

CONVEYANCE FACILITIES BETWEEN NEW AND OLD DELHI

138 ***Dr. Nand Lal**: (*a*) Is it a fact that there is no tram or bus service in New Delhi or between New Delhi and Old Delhi ?

(*b*) Will Government be pleased to state whether the question of providing regular tram or bus service in the above mentioned town is receiving Government's consideration ?

Sir Frank Noyce : (*a*) and (*b*) The Honourable Member's attention is invited to the reply given to question No 69, asked in the Legislative Assembly by the Revd J C Chatterjee on the 21st January, 1930 The position has not changed since then

MEDICAL ATTENDANCE FOR GOVERNMENT SERVANTS IN SIMLA AND DELHI.

139 ***Dr Nand Lal** : (*a*) Will Government be pleased to lay on the table a statement showing the names of all the medical officers specially deputed to attend on Government servants at Simla and Delhi, together with the hours and places fixed for free consultation ?

(*b*) Is it a fact that some of the medical officers at Simla have taken their residences at out of way places and have fixed very inconvenient hours for consultation when the Government servants are in offices ?

(*c*) If answer to part (*b*) be in the affirmative, are Government prepared to issue instructions that such medical officers should either

attend in the Ripon Hospital or fix consultation hours before 10 A.M. and after 5 P.M.?

Sir Frank Noyce : (*a*) A statement giving the information required by the Honourable Member has been placed in the Library of the House

(*b*) No

(*c*) Does not arise

APPOINTMENT TO THE INDIAN SERVICE OF ENGINEERS OF STUDENTS OF THE THOMASON CIVIL ENGINEERING COLLEGE.

140. ***Dr. Nand Lal** : (*a*) Is it a fact that up to 1927 ten appointments used to be guaranteed, every year, to top students of the Thomason Civil Engineering College and they used to be appointed direct in the Indian Service of Engineers after passing their final examination ?

(*b*) Is it a fact that in 1928 only the first three boys got direct employment in the Indian Service of Engineers ?

(*c*) Is it a fact that, in 1929, it was announced by the Public Service Commission that a competitive examination for the Indian Service of Engineers will be held ?

(*d*) Will Government be pleased to state whether any such competitive examination has since been held or not ?

(*e*) If the answer to part (*d*) is in the negative, will Government be pleased to explain why, recently, the Secretary of State made thirteen direct appointments instead of recruiting from the Thomason Civil Engineering College ?

(*f*) Will Government be pleased to state as to whether, and if so, when, the rule and practice of guaranteeing posts and giving direct appointments (in the Indian Service of Engineers) to the top successful boys from the Thomason Civil Engineering College will be restored ?

The Honourable Sir Joseph Bhore : (*a*) The number of appointments which used to be guaranteed to the Thomason Civil Engineering College, Roorkee, up to the year 1927, was 9 and 10 in alternate years, but, as two appointments were usually allotted to the Indian Railway Service of Engineers annually, the number of recruits taken from the college for the Indian Service of Engineers was 7 and 8 in alternate years.

(*b*) Yes

(*c*) Yes

(*d*) Yes, a competitive examination was held in February, 1930

(*e*) Does not arise I do not know to what thirteen appointments by the Secretary of State the Honourable Member refers

(*f*) The system of guaranteeing posts in the Indian Service of Engineers to the students of certain engineering colleges in India was abolished as there were certain serious difficulties inherent in the system, and it is not proposed, at any rate at present, to revive it.

Dr. Nand Lal : May I venture to ask what were these serious difficulties alluded to by the Honourable Member ?

The Honourable Sir Joseph Bhore There were many considerations, but I hope my Honourable friend will agree with me that competition is *primâ facie* a better system.

ORDINANCE AGAINST PICKETING FOREIGN CLOTH SHOPS

141. ***Sir Cowasjee Jehangir** : (*a*) Are Government aware that the picketing of foreign cloth shops has been going on in the Indian part of the City of Bombay for some weeks, that latterly picketing was extended to the principal European shops in the Fort area, that very soon after the latter shops were subjected to picketing, Ordinance No 5 (Prevention of Intimidation Ordinance) was put into force on Monday, June 16th, by arresting the pickets ?

(*b*) Are Government aware that, before this Ordinance was put into force, very little inconvenience was caused to the public in the Fort area by the pickets, and that the European shops lost little or no custom due to such picketing ?

(*c*) Are Government aware that, from Monday, June 16th, large crowds have been collecting outside the shop of Whiteaway Laidlaw & Co, Ltd, on Hornby Road, to witness the arrest of the pickets, and it is alleged that a large number of innocent people were assaulted by the police on Monday, June 16th, without apparent provocation ?

(*d*) Are Government aware that the names and addresses of a large number of such persons have appeared in the public press, with the names of respectable witnesses of such assaults ; that many of these assaults were committed at a considerable distance from the premises of Whiteaway Laidlaw & Co, and that an Indian shopkeeper was actually assaulted in his own shop ?

(*e*) Will Government be pleased to state whether this Ordinance was put into force in the Fort area of Bombay at the instance of the Government of India under their powers of superintendence, direction and control or of the Local Government ?

The Honourable Mr. H. G. Haig : I am glad that the Honourable Member has given me an opportunity of dealing with a matter which I know has given rise to a good deal of feeling. The replies to his question are as follows

1 (*a*) Yes.

(*b*) The Government of India understand that picketing in the Fort Area commenced about the 6th June They have received no special information showing the extent to which the picketing achieved its object of interfering with legitimate business

(*c*) and (*d*). The Police on several occasions have had to disperse crowds which had collected in connection with the picketing, and I understand that on some occasions certain persons who had no connection with the disturbances received injuries

(*e*) The Ordinance was extended to the Bombay Presidency at the request of the Local Government, and was applied by them to Bombay city under the authority thus conferred upon them The Government of India are fully in accord with the action taken by the Government of Bombay.

Dr. Nand Lal : In cases in which, according to the admission o Government, innocent persons, who were not concerned in the picketing received injuries, have Government taken any effective measures so tha this practice may be abolished and policemen may not behave like this i future ?

The Honourable Mr. H. G. Haig : I think I have already assured th House that I have no doubt that the Bombay Government are doing what they can to prevent any recurrence of such incidents

Mr H. P. Mody : Are Government aware that, during the mill strike last year, picketing accompanied by considerable violence was systematically carried on and nothing was done to put a stop to it in spite of repeated representations ?

The Honourable Mr. H. G. Haig : I have not in my recollection at the moment precisely what happened I think I myself was on leave in England at the time

Sir Cowasji Jehangir : Are Government aware that, due to these assaults on innocent people on the 16th June, the reaction of public opinion has been of such a nature that the recurrence of such assaults is bound to drive thousands of people into the camp antagonistic to Government and to force them to resort to violence, which will result in serious bloodshed ?

The Honourable Mr. H. G. Haig : I think the position of Government was made sufficiently plain in the debate the other day, and I can assure my Honourable friend that Government are fully aware of the state of feeling in Bombay as explained by him

Mr. Gaya Prasad Singh : Is it because the picketing of foreign cloth shops touches the pockets of vested interests in England that this Ordinance against picketing has been promulgated and applied to Bombay ?

The Honourable Mr. H. G. Haig : No, Sir It was in defence of the ordinary rights of the public to be allowed to do what they please

Mr Gaya Prasad Singh : May I know why peaceful picketing unaccompanied by violence has been prohibited by the Ordinance ?

The Honourable Mr H G Haig : The matter was fully explained in His Excellency's statement, which accompanied the issue of the Ordinance

Mr. M. R. Jayakar : Are Government aware that Congress volunteers have been arrested even before they molested any purchaser for merely standing at the doors of foreign cloth shops ?

The Honourable Mr. H. G. Haig : I am not aware that any action has been taken which is not justified under the law, and if volunteers have been arrested in conditions which did not justify their conviction, presumably they would not have been convicted by the Court

PROVISION OF ELECTRIC LIGHTS AND FANS IN THE RAILWAY FROM DOHAD TO MUTTRA.

142. *Mr A. E. Ghumavi : (a) Are Government aware that the first mixed train numbered 35 in the time table running 437 miles at a

stretch from Dohad to Muttra on the Bombay, Baroda and Central India Railway has no electric lights or fans in the first and second class carriages ?

(*b*) Are Government prepared to take steps at an early date to rectify this position and provide electric lights and fans ?

Mr. A. A. L. Parsons : Government are aware that a few first and second class carriages on the Bombay, Baroda and Central India Railway, which are nearing condemning age but are still fit to run, are still lighted by gas, as it would not be economical to incur the expense of putting electric installations into stock which is likely to be broken up in a short time I presume the mixed train mentioned by the Honourable Member is one on which such carriages are used But it is the desire both of Government and of the Railway Administration to replace gas by electricity on all carriages as soon as possible.

LAW DEGREES RECOGNISED BY THE ALLAHABAD HIGH COURT.

143. ***Mr Gaya Prasad Singh** : (*a*) Is it a fact that the High Court of Allahabad does not recognise the degree of Bachelor of Laws of the Delhi University for the enrolment of pleaders under the said High Court ? If so, why ?

(*b*) Is it a fact that the Allahabad High Court recognises the law degrees of Calcutta, Dacca and Patna Universities for the enrolment of pleaders ?

(*c*) Are Government aware that the non-recognition of the law degree of the Delhi University by the Allahabad High Court operates as a serious hardship upon those persons who have taken their law degree from the Delhi University, but are not allowed to practise under the Allahabad High Court ?

(*d*) Will Government kindly explain the reason for this differentiation between the law degrees , and do they propose to take necessary steps to redress the grievances of those persons of the United Provinces, who have taken the law degree of the Delhi University, but are not allowed to practise in their own province ?

The Honourable Mr. H G. Haig : The authority to make rules regarding the qualifications and admission of pleaders in the courts subordinate to the Allahabad High Court is vested in that Court under section 6 of the Legal Practitioners Act, 1879 The Government of India have no precise information on the point

Dr. Nand Lal : Can successful candidates appear in any special tests so far as the enrolment of advocates or vakils under the Allahabad High Court is concerned ?

The Honourable Mr. H. G. Haig : As I have said, the Government of India have no precise information on the point The rules are made by the Allahabad High Court.

Mr. Gaya Prasad Singh : Sir, I do not wish to ask question No. 144 and I do not want that the answer should be on the record. So I will proceed to ask question No. 145

†144. •

†Not put by the questioner.

EXCLUSION OF INDIANS IN ADVERTISEMENT FOR ASSISTANT SURGEONS.

145. *Mr Gaya Prasad Singh : (*a*) Has the attention of Government been drawn to an advertisement published in the *Pioneer*, dated the 9th April, 1930, over the signature of Lieut.-Colonel H E Stangerleathes, I.M S, Deputy Director General, Indian Medical Department, New Delhi, inviting applications for admission into the Assistant Surgeon Branch of the Indian Medical Department ?

(*b*) Will Government kindly explain why "candidates must be Europeans or Anglo-Indians" ? Why have Indians been excluded from admission ?

(*c*) What are the names of the candidates so far admitted under the terms of the advertisement quoted above ?

Mr. G M. Young : (*a*) Yes

(*b*) As the Honourable Member is aware, the Indian Medical Department is recruited from Europeans and Anglo-Indians only

(*c*) A statement is laid on the table

List of Candidates selected for Admission as Medical Students

L F Chaves, E N Plomer, C B J Norris, Cyril McArthur Hogg, C S Gomez, L C Emmett, Cyril Andrade, C E J Frederick, G J Nicholas, E W Shillong, A P Maruff, J O Perrier, A W M Garrad, J A Basnett, D C Mayberry, V C D Stuesman, D St Louis Little, B G Bamford, A D McLaughlin, F G L Brafield, H Maher, W Ward, D D G Passanha, S F D'Costa, G A Burby, V A H MacInnis, C J D Netto and A. F S Chatelier.

WITHHOLDING OF A TELEGRAM IN CHAMPARAN.

146. *Mr Gaya Prasad Singh : (*a*) Is it a fact that the following telegram despatched by Pandit Prajapati Misra (Champaran) to Babu Rajendra Prasad, on the 10th April, 1930 "Bipin Babu marched 14 miles. Unique enthusiasm 3,000 volunteers enrolled so far information received Collections going on", was withheld by the telegraph authorities as objectionable ?

(*b*) What is the objectionable feature of this telegram, and who is responsible for withholding it ? Has the charge of the telegram been refunded to the sender ?

Mr. H. A. Sams : (*a*) and (*b*) I have instituted enquiries and will reply to the Honourable Member when I am in a position to do so

USE OF INDIAN LANDING GROUNDS BY A FOREIGN AIR SERVICE.

147. *Mr Gaya Prasad Singh : (*a*) Will Government kindly state if the British Government have given permission to Dutch airmen to use landing grounds in India for the regular Amsterdam-Batavia Air Service ? If so, was it with the consent of the Government of India ?

(*b*) Why has a foreign air service been given the right to use regularly landing grounds in India , and what, if any, will this foreign Air Service give as charges for the use of the landing grounds in India ? What is the total amount of charges so far collected from the Dutch, or

any other foreign air service for using landing grounds or obtaining any other facilities in India ?

The Honourable Sir Joseph Bhore : (*a*) Yes

(*b*) Under the convention relating to the Regulation of Aerial Navigation dated 13th October, 1919, to which both India and the Netherlands are parties, contracting States undertake, in time of peace, to accord freedom of innocent passage above their territory to the aircraft of other contracting States, provided that certain conditions are observed Landing and housing fees in accordance with the scale for the time being in force will be payable Charges amounting to Rs 456 in respect of the trial flights carried out in 1929 have already been preferred

Mr. Gaya Prasad Singh : May I now why this House was not consulted before giving permission to a foreign airship company to establish a regular service in India ?

The Honourable Sir Joseph Bhore . My Honourable friend is under a mistake There is no question of a foreign company establishing a service in India It was a trial flight carried out from Holland to Dutch Java There is no question of the establishment of a company to operate flights between any two places in India

Mr Gaya Prasad Singh: May I take it that the Dutch Company has not been given permission to establish a regular service in India ?

The Honourable Sir Joseph Bhore : Certainly not

Dr Ziauddin Ahmad : Will the Honourable Member consult the Assembly before giving permission to any foreign power ?

The Honourable Sir Joseph Bhore . I cannot bind myself to do that, but any expression of opinion by this Assembly will be most carefully considered by the Government of India

CONTRIBUTION TO THE PRESS OF A LETTER ON MARTIAL LAW BY A MILITARY OFFICER.

148. ***Mr Gaya Prasad Singh** . (*a*) Are Government aware that a letter signed " C Turner, Major, for Brigadier General Staff, Southern Command ", was published in certain Anglo-Indian newspapers towards the close of May last, in which the writer discussed some controversial political questions relating to the administration of martial law in Sholapur ?

(*b*) Who is the writer of this letter, and what are his antecedents ?

(*c*) Do Government propose to take any steps against Government servants publicly discussing controversial political questions in contravention of the Government Servants Conduct Rules ?

Mr. G M Young : (*a*) Government have seen the letter in question.

(*b*) The officer who signed the letter, as is apparent from the first part of my Honourable friend's question, is a Major on the General Staff of the Southern Command. The letter issued on the responsibility of the Southern Command.

(*c*) Government see nothing objectionable in the subject matter o the letter, which was not, incidentally, intended for publication, bu they are considering the question whether there was a technical irregu larity in the circumstances of its issue I may add that military officer are subject in this respect not to the Government Servants Conduc Rules, which are civilian rules, but to similar provisions contained in th King's Regulations and the Regulations for the Army in India

Mr. Gaya Prasad Singh : May I take it that high officers of Gov ernment are entitled to enter into highly controversial political topic in the public press while the lower grade members of the services ar prohibited from doing so ?

Mr. G M. Young : Is my Honourable friend referring to military officers ?

Mr Gaya Prasad Singh : Yes, Sir.

Mr G M. Young : There is no distinction between what highe military officers and lower military officers may do

SPECIAL ALLOWANCE PAID TO CERTAIN NURSES IN BURMA.

149. ***Lieut.-Colonel H A J Gidney** : (*a*) Is it a fact that lady nurses of the Q A I M N S doing duty in Burma are in receipt o a special Burma allowance—*vide* the Government of India's lette No 2804|1|A.G.-10 (A D-2), of the 18th January, 1929 ?

(*b*) Is a similar allowance granted to members of the Indian Medical Department employed in Burma ? If not, why not ?

Mr G. M Young : (*a*) Yes

(*b*) No, because it has never been represented that the basic pa of officers and warrant officers of the Indian Medical Department re quires to be supplemented to meet the cost of living in Burma

CHARGE FOR ELECTRIC INSTALLATION IN QUARTERS OF MILITARY ASSISTANT SURGEONS.

150. ***Lieut.-Colonel H. A. J. Gidney** : (*a*) Is it a fact that Military Assistant Surgeons of the Indian Medical Department are called upo to pay for the electric installation in their quarters ?

(*b*) Is it a fact that each time a newcomer enters these quarters h is called upon to pay a similar demand ? If so, why ? Are Governmen prepared to remedy this position ?

Mr. G. M. Young : (*a*) and (*b*). No capital charge is levied, bu Military Assistant Surgeons, whose pay exceeds Rs 400 a month, ar required to pay rent for the electric installation in their quarters s long as they occupy them. The last part of (*b*) does not arise

Lieut.-Colonel H. A J. Gidney : Will the Honourable Member in form this House whether this Electric charge is confined to Indian medi cal men or whether it applies to other Department's Warrant Officers

Mr G M. Young: I should have to ask for notice of that question

ARRESTS AND CONVICTIONS IN CONNECTION WITH RECENT POLITICAL DISTURBANCES.

151. *Dr. Nand Lal : (*a*) Will Government be pleased to state how many persons were arrested throughout India in the present civil disobedience campaign ?

(*b*) How many of these arrested were convicted ?

(*c*) What is the approximate number of the persons arrested and convicted in each province ?

(*d*) How many ladies were arrested and convicted throughout India in the present struggle ?

The Honourable Mr. H G Haig : I would refer the Honourable Member to the reply given by me to Mr S. C Mitra's question No 19 I lay a statement on the table giving the figures of convictions by provinces I regret that I have no information regarding the number of arrests

Statement showing number of convictions in connection with the Civil Disobedience Movement from the 6th April to 15th June, 1930

Madras	1,229
Bombay ..	761
Bengal	1,157
United Provinces	493
Punjab	68
Burma	.
Bihar and Orissa	483
Central Provinces	10
Assam	40
North West Frontier Province	91
Delhi	45
Coorg	
	4,377

Dr Nand Lal : May I ask for information in regard to the arrest of ladies ?

The Honourable Mr H G Haig : I think I promised yesterday to obtain information regarding convictions of ladies I think it would be very difficult to get satisfactory figures of arrests

Dr Nand Lal: Will you kindly fulfil your promise within two days ?

The Honourable Mr. H. G. Haig : That, Sir, I am afraid I cannot undertake.

ALLEGED PLEDGES GIVEN BY SIR NORMAN BOLTON AT PESHAWAR.

152. *Dr. Ziauddin Ahmad : (*a*) Is it a fact that Sir Norman Bolton, late Chief Commissioner of North West Frontier Province, gave an undertaking to the representatives of Peshawar that no person would be prosecuted for any offence done in connection with the disturbances on the 23rd April ?

(*b*) Is it a fact that Sir Norman Bolton declared that liquor shops will be closed for two months ?

(*c*) Have the successors of Sir Norman Bolton, honoured the pledges ? If not, why not ?

The Honourable Mr H G Haig : (*a*) No The Honourable Member has in mind perhaps the undertaking given by Sir Norman Bolton that any person who gave evidence before any Committee of enquiry that may be appointed, would not be prosecuted on the basis of that evidence

(*b*) No

(*c*) Does not arise

Dr. Ziauddin Ahmad : Was this the assurance given by Sir Norman Bolton to a deputation of the members of the Municipal Committee of Peshawar ?

The Honourable Mr. H. G Haig : That is, I think, the assurance that I mentioned here, that nobody who gave evidence before any committee of inquiry would be prosecuted on the basis of that evidence As a matter of fact, so far as I know, nobody has been prosecuted merely for participation in the riots

FIRING AT A FUNERAL PROCESSION IN PESHAWAR

153 ***Dr Ziauddin Ahmad** : Is it a fact that the funeral procession allowed by the Deputy Commissioner on 31st May, was fired at by the military ? What was the reason for it ?

The Honourable Mr H. G Haig : The Honourable Member is referred to the reply given by me to part (*c*) of Mr S C Mitra's question No 94

ESTABLISHMENT OF A HIGH SCHOOL FOR GIRLS IN THE NORTH WEST FRONTIER PROVINCE

154. ***Dr Ziauddin Ahmad** : Is there any high school for the education of girls in the North West Frontier Province ? If not, are Government contemplating to establish a high school ?

Sir Frank Noyce : The answer to the first part of the question is in the affirmative The second part does not arise

REMISSION OF LAND REVENUE IN THE NORTH WEST FRONTIER PROVINCE.

155 ***Dr. Ziauddin Ahmad** : (*a*) Are Government aware of the remissions granted by the Punjab Government in land revenue in the seven Western districts of the Punjab according to the undertaking given by the Revenue Member in the Legislative Council in August, 1921 ?

(*b*) Has the Frontier Province got any Legislative Council where the question of reassessment and reduction of land revenue may be discussed ?

(*c*) If the answer to part (*b*) be in the negative, will Government be pleased to mention the authorities or officers who discuss and decide the question of reassessment ?

(*d*) Do Government contemplate remitting land revenue in each tehsil of the settled districts of the North West Frontier Province ? If so, when and how much ?

Sir Frank Noyce : (*a*) Yes

(*b*) No

(*c*) The officers concerned with the process of reassessment are the Settlement Officer, the Revenue Commissioner and the Chief Commissioner The orders passed by the last named officer are final, subject to the confirmation of the Governor General in Council

(*d*) I would refer the Honourable Member to the assurance given by the Chief Commissioner in reply to a deputation which waited on him recently that the land revenue, water rates and local rates in the North West Frontier Province will not be, on the whole, higher than those obtaining in the Punjab and that the reassessment proposals of the Peshawar district will be re-examined in the light of the Punjab Land Revenue (Amendment) Act The Peshawar district is the only district in the province which has come under resettlement since 1921.

Dr Ziauddin Ahmad : May I ask the Honourable Member to define the words " on the whole " used in his answer ?

Sir Frank Noyce : I am sorry I did not hear the Honourable Member.

Dr Nand Lal : May I ask if any practical step has been taken in connection with the remission of land revenue in the North West Frontier Province—specially the settled districts ?

Sir Frank Noyce : No, Sir , the question does not arise in the case of the districts which are not under resettlement ; it is only in connection with the Peshawar District, which is at present under resettlement, that the question of re-examining the assessment in the light of the Punjab Land Revenue (Amendment) Act arises I think I am correct in saying that the other districts in the North West Frontier Province come under resettlement in the course of the next few years.

Dr. Ziauddin Ahmad : The Honourable Member said that the assessment will not be " on the whole " higher than the assessment in the Punjab I should like to know what is the meaning and significance of the words " on the whole "

Sir Frank Noyce : For that, Sir, I should have to refer to the Chief Commissioner himself.

Dropping of Bombs on Enemies from Aeroplanes.

156. ***Dr. Ziauddin Ahmad** : Was the question of throwing bombs from aeroplanes on enemies, who do not possess any aeroplanes, ever discussed in the League of Nations ?

Mr G M. Young : A proposal that the contracting parties should undertake generally not to launch weapons of offence of any kind from the air by means of aircraft was discussed and rejected by the preparatory Commission for the Disarmament Conference, but I can trace no proposal to prohibit the use of aircraft for bombing enemies who do not possess aircraft

RECRUITMENT OF HEADS OF DEPARTMENTS IN THE NORTH WEST FRONTIER PROVINCE

157. *Dr. Ziauddin Ahmad : Are the Heads of Departments in the Frontier Province recruited from persons who have experience of the administration of the Province ?

Mr E B Howell : In general the answer is in the affirmative Amongst the qualifications which determine selections for appointment as Heads of Departments in the North West Frontier Province, a knowledge of local conditions and experience of the Provincial administration naturally ranks high.

Dr. Ziauddin Ahmad : May I ask whether the Inspector General in the North West Frontier Province had any experience of the province ?

Mr E. B Howell : Which Inspector General ?

Dr. Ziauddin Ahmad : The Inspector General of Police

Mr. E. B. Howell . I understand he had no previous service in the province.

RECRUITMENT OF MUSSALMANS IN THE POSTAL SERVICE IN THE UNITED PROVINCES

158. *Dr. Ziauddin Ahmad : Has the Director General of Posts and Telegraphs issued any circular that not more than 14 per cent of Mussalmans be recruited in the Postal Service in the United Provinces ?

Mr H A Sams : No

Dr Ziauddin Ahmad : I was given to understand that there was this circular Is it correct that no such circular was issued ?

Mr H A Sams : I have already told the Honourable Member that I have issued no such instructions

POST OFFICE CASH CERTIFICATES

159 *Dr. Ziauddin Ahmad : (*a*) What is the total amount of investment in Post Office Cash Certificates in the year 1928-29 ?

(*b*) What is the amount of interest Government paid in the year 1929-30 for investment in Cash Certificates ?

(*c*) What is the rate of interest which Government actually pays on Cash Certificates ?

(*d*) Are Government contemplating the issue of Cash Certificates of smaller amount ?

The Honourable Sir George Schuster : (*a*) The net amount of money added to the total of Post Office Cash Certificates outstanding in 1928-29 was Rs. 1,60,50,000. The total outstanding at the end of this financial year was Rs 32,30,25,000.

(*b*) The total amount of bonus paid on Cash Certificates paid off during 1929-30 was Rs 73,06 000

(*c*) The rate of interest now being allowed on new Cash Certificates works out at 5¼ per cent. compound interest if the certificates are held for the full period of five years It they are repaid earlier, the rate is lower, *i e*, 4½ per cent if held for four years, 4¼ per cent if held for three years, 3 7|8 per cent if held for two years and 3 1|8 per cent if held for one year No interest is paid if the certificate is cashed within a year

(*d*) The matter is under consideration

Dr Ziauddin Ahmad : Has the Department ever worked out the actual rate of interest paid on Cash Certificates—not the rate on paper—and I think if that is worked out it will not be more than 3¼ per cent ?

The Honourable Sir George Schuster : It is a little difficult to understand what the Honourable Member means by the actual rate of interest paid It would not really be possible to know the actual amount of interest paid until all the Cash Certificates were paid off, and the whole practice of issuing Cash Certificates had been stopped No final calculation can be made until the whole transaction is wound up One reason for that is that Cash Certificates, if held till maturity, are renewable, and in order to calculate the amount of interest paid it would be necessary to know what is the final effect of a Cash Certificate renewed again and again after five years It is impossible to make any calculation on the basis suggested by the Honourable Member, and all we can do at present is to get figures of the actual bonus paid in each year. At the same time, as the Honourable Member is aware, we have adopted a rough and ready basis for calculating the amount of interest due each year, and provision has been made in the Budget of this year on that basis That, however, does not represent interest *paid*, but what we estimate will be a fair calculation of the interest which is accruing

INCORRECT CENSUS OF ANGLO-INDIANS.

160 ***Lieut-Colonel H. A. J. Gidney** : (*a*) Has the attention of Government been drawn to page 42, paragraph 60 of Volume I of the Report of the Statutory Commission, regarding the incorrect census of the Anglo-Indian community ?

(*b*) If so, have Government considered the question of issuing orders, through the Railway Board, to all railway officials, and also to the heads of the various Departments of the Government of India, requesting them to co-operate more closely with the census officers on the day the census is taken ?

(*c*) If the reply to part (*b*) is in the negative, what steps do Government propose to take with a view to eliciting an accurate census of Anglo-Indians ?

(*d*) Are Government aware that many Anglo-Indians return themselves as Europeans in the Railways and other Government Departments in India ? If so, what action do Government propose to take in order to prevent Anglo-Indians in Government service from returning themselves as Europeans ?

The Honourable Mr H. G. Haig : (*a*) Yes.

(*b*) Suitable instructions have been issued as to the desirability of co-operation between railway officials and Government officials generally, and the Census authorities

(*c*) Does not arise.

(*d*) The answer to the first part of the question is in the affirmative For the coming census instructions have been issued that as far as practicable the enumeration of Europeans and Anglo-Indians should be carried out by trained enumerators, who should, wherever possible be Europeans or Anglo-Indians.

IMPORTATION AND SALE OF SPURIOUS DRUGS IN INDIA

161 ***Lieut.-Colonel H. A. J Gidney** : Will Government be pleased to state what advance it has made in respect to

(*a*) preventing the sale of spurious drugs in India ,

(*b*) alterations of the Sea Customs Act to prevent the importation of spurious drugs into India ;

(*c*) the introduction of the Poisons and Pharmacy Act in India and

(*d*) the introduction of a Mental Deficiency Act in India ?

Sir Frank Noyce : (*a*) to (*c*). The Government of India, after consulting Local Governments, have appointed a small committee to enquire into questions relating to the importation, preparation and sale of impure drugs and chemicals and to make recommendations as to the measures required to prevent adulteration and fraud The Committee will also enquire into the necessity for legislation to restrict the profession of pharmacy to duly qualified persons

The matters referred to by the Honourable Member will be considered when the Committee's Report has been received

(*d*) This subject is primarily one for Provincial Government under the Devolution Rules though the general question of the treatment of mental defectives has for some time been under the consideration of the Government of India The enactment of legislation on the lines suggested would involve the establishment of special institutions at very great expense, which considerations of economy preclude at present.

Lieut.-Colonel H. A J Gidney : In reference to the Honourable Member's reply to part (*a*) of the question and considering the fact that this matter has been under discussion for two years, will he kindly inform this House, how long it will take the Government to come to a final decision ?

Sir Frank Noyce : I have informed the Honourable Member that a Committee has been appointed to inquire into the matter. They will shortly commence work, and have been requested to submit their Report at the earliest possible date. Government will then deal with the recommendations contained in that Report as expeditiously as possible.

Lieut.-Colonel H A. J. Gidney : With reference to the Honourable Member's evidence before the Public Accounts Committee in which i

was stated that the Reports received from Provincial Governments did not corroborate my charges of a large sale of spurious quinine, will Government please place on the table the correspondence between the Provincial Governments and themselves on this matter ?

Sir Frank Noyce . I gave no evidence before the Public Accounts Committee on this matter, Sir. As regards the Honourable Member's request that the correspondence should be laid on the table, I will examine the point and see whether there is any objection to that or not

Lieut.-Colonel H A. J Gidney : In regard to operating the Sea Customs Act, will Government inform this House whether it is not possible to effect the stoppage of importation of spurious drugs into Indian ports by giving specific orders to the Customs Department ?

Sir Frank Noyce : I must ask for notice.

Lieut.-Colonel H. A J Gidney : Will Government please inform this House what they have done

Mr. President : Kindly proceed to question No 162

Lieut -Colonel H. A J Gidney : Just one more question, Sir.

Mr President : No debate is allowed on questions

GRIEVANCES OF EMPLOYEES IN THE LUCKNOW DIVISION OF THE EAST INDIAN RAILWAY

162. ***Lieut.-Colonel H. A. J Gidney** : (*a*) Has the attention of Government been drawn to the frequent complaints that have appeared in the Press and reports by the Railway Union to the Railway Board in regard to inequitable and invidious distinctions that are still being meted out between railway subordinates who were formerly employees in the old Oudh and Rohilkhand Railway (now East Indian Railway) and the former East Indian Railway subordinates serving in the Lucknow and Moradabad Divisions ?

(*b*) Is it a fact that the Labour Member of the Railway Board visited Moradabad in 1929 and inquired into a series of grievances of these employees ? If so, what was the result of this inquiry, and are Government prepared to assure this House that an early inquiry will be held regarding the present grievances in the Lucknow Division of the East Indian Railway ?

Mr. A A L Parsons : (*a*) Government's attention has been drawn to a few such complaints

(*b*) The Honourable Member's attention is invited to the reply given to starred question No 896, on the 28th March, 1930, put by Maulvi Muhammad Yakub, on the subject of the enquiry made by Mr. Hayman at Moradabad The Agent, East Indian Railway, will be asked to look into the complaints of the Lucknow Division

APPOINTMENT OF OUTSIDERS TO GOVERNMENT OF INDIA OFFICES.

163 ***Maulvi Abdul Matin Chowdhury** (on behalf of Mr. S C. Mitra) : (*a*) Will Government please state if it is a fact that the last examination for the admission of outsiders to the Government of India offices was held by the Public Service Commission in 1926 ?

(*b*) Is it also a fact that candidates above a certain age limit are n admitted to the examination ?

(*c*) Are Government aware that the fact that no examination has be held for the last four years for outsiders has deprived a large number candidates, that have become over-age during these four years, of t opportunity to compete for the appointments ?

(*d*) Is it a fact that since the 1st April, 1930, the vacancies intend for outside candidates (under the new system) are being filled on provisionally pending the result of the next competitive examination ?

(*e*) When do Government propose to hold the next competitive exan nation ? Do Government propose to relax the age condition in respect those outside candidates that have become over-age since the last compe tive examination was held ?

(*f*) Is it a fact that several *unexpected* vacancies occur in the D partments which are not intimated to the Public Service Commission time and for which they have no outside candidates on their waiting li of candidates that have passed the competitive examination ?

The Honourable Mr. H. G. Haig : (*a*) Yes

(*b*) Under the new rules, which come into operation from tl current year, candidates for the first and second divisions must be ov 20 and under 24 years of age when they sit for the examination, but tl Public Service Commission are empowered to modify these age limits they think proper

(*c*) Yes

(*d*) Yes.

(*e*) It is hoped that a competitive examination will be held t wards the close of the current year No relaxation of the age limit contemplated in the interests of those who have not been able to appe by reason of no examination having been held since 1926

(*f*) This occurs only in the case of temporary vacancies

ADMISSION OF NON-GRADUATES TO THE EXAMINATION FOR THE FIRST DIVISIO OF THE GOVERNMENT OF INDIA SECRETARIAT

164 ***Maulvi Abdul Matin Chowdhury** (on behalf of Mr S Mitra) (*a*) Will Government please state if it is a fact that out of th candidates that passed the last departmental examination held by th Public Service Commission for the Government of India office *more than half* were *non*-graduates ?

(*b*) Did the *non*-graduates pass by merit or by special concession ?

(*c*) Do Government propose to consider the question of removing th restriction against *non*-graduates for the examination for First Divisio of the Secretariat ? If not, why not ?

The Honourable Mr. H G Haig : (*a*) Yes.

(*b*) No special concession was given.

(*c*) No. Government consider that the possession of a degree o the Cambridge School Certificate should be the minimum educationa qualifications of candidates to be admitted to this examination.

EXAMINATIONS FOR APPO INTMENT TO GOVERNMENT OF INDIA OFFICES.

165. *Maulvi Abdul Matin Chowdhury (on behalf of Mr. S. C Mitra) (*a*) Will Government please state if they propose to make any change in the system or standard of examination for the Government of India offices ?

(*b*) If the reply to part (*a*) be in the affirmative, when do Government propose to make an announcement to this effect for the timely information of those concerned ?

The Honourable Mr H G Haig : (*a*) and (*b*). I understand that the matter is under consideration by the Public Service Commission who will shortly publish full information regarding the syllabus and subjects of examination for recruitment by competition to such posts in the ministerial service as are likely to fall vacant before the 30th September, 1931

CANDIDATES OF 1922 FOR THE FIRST DIVISION OF THE SECRETARIAT.

166 *Maulvi Abdul Matin Chowdhury (on behalf of Mr. S. C Mitra) (*a*) Will Government please state if it is a fact that, for some years past, no distinction has been made by the Public Service Commission for the First Division of the Secretariat and Attached Offices in respect of educational qualifications or standard of examination ?

(*b*) Is it a fact that all those candidates who had originally passed for the First Division of the Attached Offices were recently declared to be qualified for the First Division of Secretariat also, *excepting* only those who had passed in 1922 ?

(*c*) Do Government propose to remove this restriction in respect of the candidates who passed in 1922 ? If so, when ? If not, why not ?

The Honourable Mr. H. G Haig : (*a*) Yes

(*b*) No declaration was made, but those candidates who qualified for the upper division in these examinations and were appointed in attached offices are eligible for appointment as assistants in the Secretariat

(*c*) The Honourable Member is referring presumably to those who passed in the separate examination held for the recruitment of assistants in attached offices in 1922 I understand that the Public Service Commission have declared a few of them to be qualified for appointment to the first division of the Secretariat after considering the special circumstances of each case Government see no reason to take the action suggested

MEMORIAL FROM THE OFFICE OF THE DIRECTOR GENERAL, INDIAN MEDICAL SERVICE AND OTHER ATTACHED OFFICES.

167. *Maulvi Abdul Matin Chowdhury (on behalf of Mr S C. Mitra) : (*a*) Will Government please state if it is a fact that the office of the Director General, Indian Medical Service, and other Attached Offices of the Government of India submitted a memorial long ago for revision of their scale of pay ?

(*b*) What action has so far been taken on the memorial and what is its present stage ?

(*c*) Is it a fact that the Army Headquarters offices are allowed higher scale of pay ? If so, why ?

(*d*) Do Government propose to bring the Army Headquarters and Attached Offices on the same scale of pay ?

The Honourable Mr H G Haig (*a*) A memorial was submitted last year

(*b*) and (*d*) A final decision has not yet been arrived at

(*c*) The rates of pay at Army Headquarters have always been somewhat higher than those prevailing in Attached Offices on the ground of the nature of the work

MEMORIAL FROM THE OFFICE OF THE DIRECTOR GENERAL INDIAN MEDICAL SERVICE AND OTHER ATTACHED OFFICES

168 ***Maulvi Abdul Matin Chowdhury** (on behalf of Mr S C Mitra) (*a*) Will Government please state if it is a fact that the principle of "equal remuneration for similar labour" laid down by the Secretary of State and quoted in the memorial of the office of the Director General Indian Medical Service is followed by the Government of India in fixing scales of pay ?

(*b*) Is it a fact that in pursuance of the same principle *equal rates* of pay are allowed to

(*i*) *all* Departments of the Government of India ,

(*ii*) *all* Branches of the Army Headquarters ,

(*iii*) *all* Attached Offices ?

(*c*) Do Government propose to apply the principle *generally* to *all* the offices of the Government of India Secretariat, Army Headquarters and Attached Offices ? Is it a fact that recruitment for *all* of these offices is made from the same class of people, by the same agency and through the same examination ?

(*d*) Do Government propose to have this question thoroughly examined by the Retrenchment Officer or a special committee ? If not, why not ?

The Honourable Mr H G Haig : (*a*) Yes

(*b*) Yes, wherever the labour is similar

(*c*) The answer to the first part of this question is in the negative and to the second part in the affirmative

(*d*) No The question has often been examined

BUSINESS DONE BY THE IMPERIAL BANK OF INDIA

169 ***Maulvi Abdul Matin Chowdhury** (on behalf of Mr S C. Mitra) Will Government be pleased to state

(*a*) the total of the daily Government balances deposited with the Imperial Bank of India and the total interest earned by the Bank on such deposits during the last financial year ,

(*b*) the approximate value of the banking service rendered to the Government by the Imperial Bank ,

(c) the amount of the public debt and securities managed by the Bank on behalf of

(i) the Government of India,

(ii) the Provincial Governments, and

(d) the total remuneration received by the Bank on account of the management of public debt and securities?

The Honourable Sir George Schuster. (a) The total Government balance with the Imperial Bank of India is not calculated daily as the amount of work involved in bringing together each day the results of transactions at all branches throughout India would be considerable and no useful purpose would be served in making these calculations. The amount of the Government balance on Friday each week is shown in the weekly statement issued by the Imperial Bank of India and the amount of the closing balance at the end of each month is shown in a statement issued monthly by the Controller of the Currency. It is impossible to calculate accurately the amount of interest earned by the Bank on the Government balances as these deposits are merged with other deposits of the Bank for the purpose of their business and at certain periods of the year the Bank cannot employ its funds fully.

(b) It is impossible to assign a definite value in money to the banking service rendered to Government, but it is estimated that the actual cost to the Imperial Bank of maintaining the Government account is about Rs. 21½ lakhs per annum. In addition services on both sides are rendered, the value of which cannot be reckoned in money.

(c) (i) About 400 crores.

(ii) About 16 crores.

(d) About 7 lakhs.

MANAGEMENT OF THE IMPERIAL BANK OF INDIA

170. ***Maulvi Abdul Matin Chowdhury** (on behalf of Mr. S. C. Mitra): Will Government be pleased to state whether Government have any right of intervention in the management of the Imperial Bank of India besides what is provided for in clause 14 of the agreement between the Secretary of State and the Bank?

The Honourable Sir George Schuster: Government have the right of appointing the Managing Governors and nominating four unofficial members of the Central Board of the Bank. In addition the Controller of the Currency is an ex-officio member of the Central Board without a vote.

ELECTION OF MEMBERS TO THE GOVERNING BODY OF THE INDIAN RESEARCH FUND ASSOCIATION.

12 NOON

Mr. President: Members will now proceed to elect two members to sit on the Governing Body of the Indian Research Fund Association in place of Sir Purshotamdas Thakurdas and Dr. Moonje who have ceased to be Members of the House. There are four candidates whose names are printed on the ballot papers which will now be supplied to Honourable Members in the order in which I call them.

(The ballot was then taken.).

Mr M R Jayakar (Bombay City Non-Muhammadan Urban) Sir, I move that the Bill to declare gains of learning by a Hindu to be his separate property, as reported by the Select Committee, be taken into consideration

This Bill, Sir, was introduced about a year ago in the Simla Session It is a revival of an exactly similar Bill which was introduced about 30 years ago, about the year 1900, in the Madras Legislative Council by a lawyer of great eminence, Sir V Bashyam Aiyangar, and the principle of the Bill, without tiring the patience of my non-lawyer friends here, is this—that all acquisitions made by a member of a Hindu joint family by the aid of the learning and of the education which he got with the help of the family funds will be declared his self acquired property, so that his widow and his daughter become entitled, in case he dies without a male heir, and not the joint family That is the principle of the Bill The main object of the Bill is to clear up the present difficulty and uncertainty of the law which causes very harassing and expensive litigation in the courts of India Incidentally I may mention that my purpose also is to benefit the women heirs of the acquirer of the property At present they do not get any share in such property because it passes into the hands of the Hindu joint family They only get the right to reside in the family property and to be maintained out of that, and I am anxious that these gains and acquisitions made by a member of the Hindu joint family entirely with the aid of his brains and intellect, although he might have been educated with the funds of the family, should be regarded as self-acquired property I shall explain the present law very briefly, so that Honourable Members may follow how far my Bill proceeds, because my Honourable friend to my right (Sir Hari Singh Gour) is going to contend, I imagine, that the Bill does not go far enough I admit it does not go far enough, because I think it will be advisable in these days to proceed with such measures cautiously and not to take a big jump The present law is this If a member of the Hindu joint family is educated with the funds of the joint family, supposing he is sent to England to qualify for the Bar or for the Indian Civil Service, or any such examination, or is trained in India for any profession or career and then he acquires, with the aid of that education, any riches afterwards, all those riches, under the present law, become the acquisition of the joint Hindu family The law will appear to my Honourable friends in clear light if they turn to a case which I have stated in my Statement of Objects and Reasons I do not think Honourable Members have that Statement before them on the present motion, but I should like to call their attention to a specific case which shows the great uncertainty and also the unfairness of the law as it stands at the present moment I shall quote from the Statement of Objects and Reasons to illustrate my point

' In a rich family the present law offers a premium to extravagance idleness and perpetual discord Its injustice is manifestly galling Take for instance a case in which a father has three sons and incurs the same expenditure on their education He sends them all to England to be educated for the Indian Civil Service One is successful, the other two fail Of the two who fail, one takes to trade and the other is unwilling to do any work and remains idle. The trader earns a large fortune which the present law allows him to keep to himself because his education in England was for the Civil Service and not for trade, but out of the earnings of the Civilian who became successful, two shares are claimed, one by the trader and the other by the brother who remains idle ''

This is the present law I am giving a very typical case, and if I may say so without exaggeration, the present law offers a premium in favour of the drones of the family, and it is a great handicap on those who make a successful use of the family property. It practically tells them, "Because you have successfully used the family funds as against those who have successfully wasted the family funds, on that ground you must contribute all your wealth to the general funds of the family" I am not concerned with the morality of the question for the moment because we are not here sitting as a moral body or an ecclesiastical court I am only concerned as a practical man with the great uncertainty of the present law and the expensive litigation which it causes I will illustrate my point Supposing a coparcener of this description earns money I am taking a hypothetical case which very often occurs in courts Supposing he goes to Bombay from the mofussil where the joint family lives, and is called to the Bar—I will take the case of the profession to which I belong He earns a large income for say 25 years at the Bar and accumulates wealth, and the other members of the family, remain quiet during his lifetime and do not move at all The acquirer is therefore quite secure in the feeling that, under the present law, after his death his income will go to his wife or to his daughter, or to whoever his heirs may be The trouble however arises in most cases, if I may speak from my own experience, after his death He dies in Bombay leaving say a few lakhs of rupees The very next month his coparceners, who have been living absolutely idle or luxurious lives in the mofussil home, send a notice to the widow saying that all that property which the acquirer died possessed of in Bombay is joint family property and therefore the widow has no claim on that property, but is only entitled to a few *sarees* now and then and to go back to the village home of the family and to claim a residence there The trouble invariably arises, except in a few exceptional cases, after the death of the husband of the widow, and then this poor widow is dragged into a court of law She has possibly no knowledge of how the money was acquired , it might have been 25, 30 or 35 years ago and possibly no accounts were kept The widow or the daughter, as the case may be, is absolutely defenceless The coparceners file a suit and then generally, as my lawyer friends know, the matter is referred to a Commissioner as he is called, and the case drags on a most weary existence for, say, four or five years My Honourable friends, who are lawyers, know the harassing nature of such litigation and the troubles the Hindu widow is put to on account of her having to be on the defensive I will therefore read a few remarks from my Statement of Objects and Reasons in which I have stated this point in a nut-shell

"The Bill will also have the effect of preventing an inquiry into the character of the education and the means by which such education was imparted The difficulties of such an inquiry in any suit concerning the property of the acquirer are enormous, especially when it takes place after the death of the acquirer and many years after the completion of his education In most cases, such an inquiry is very harassing, when conducted at the expense of the estate and with a helpless widow or daughter on the defensive"

I will mention one more point According to the present rules relating to the giving of costs, even if the coparceners are not successful, unless the case was conducted in a very flagrant and obstructive manner, the costs may be decreed to come out of the estate Therefore the coparceners feel more or less certain about the expenses of the litigation,

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even if they lose That is the present law, and it is in consequence of this that I thought it desirable that this uncertainty and injustice of the law should be removed Further I will tell my Honourable friends how the uncertainty is encouraged I would draw attention to one aspect of the extraordinary rule differentiating between the acquisitions of general education as opposed to special education A man can keep to himself property gained as the result of the acquisition of general education, but if the education proceeds further and becomes special or professional education, the acquisitions of such education are regarded as joint family property Thus if a man proceeds up to the B A—I am taking one of the standards of our Universities—with the aid of the general family funds, and he acquires any property for himself as a B A, he can keep that to himself under the present law, but if he becomes an LL B, which means two years more, if he goes to a law school and gets qualified as a vakil, or an advocate then all his acquisitions acquired thereafter become joint family property The result is a mass of uncertainty as to what is expert education, special education, or technical education, as against general education The words are extraordinarily difficult to interpret or explain because it will all depend upon the facts of the case I will here read to my Honourable friends the following remarks from my Statement of Objects and Reasons which illustrate the difficulty of determining what in a particular case is special education and what is ordinary education

'The standard of education varies in different localities, in different classes and different families It is also shifting from time to time What might at one time be regarded as extraordinary education becomes ordinary education after the lapse of some years, and what might be ordinary education in the case of a wealthy family would be extraordinary education in a family of scanty means The result is a great uncertainty of the present law It is impossible for any person who acquires property by his learning to feel any certainty that his earnings would be regarded as his own, and the uncertainty is greater if the distinction drawn between ordinary and extraordinary grades of learning is borne in mind''

I may mention, if I do not tire too much the patience of my Honourable friends, that further difficulties arise consequent on the permutation and combination which takes place, with the result that, if I may say so without disrespect to the profession to which I belong, lawyers only prosper and families go to ruin I am therefore anxious, Sir, that we should carry this remedial measure in the course of the day, and I am particularly anxious, now that we have had the benefit of an expert Select Committee to which my Honourable friend, the Law Member, belonged, and now that that Committee has practically approved the entire Bill and has made only a few amendments here and there, that this Bill should go through I see that a very insidious amendment has been given notice of by my Honourable friend, Mr Acharya for circulating the Bill for eliciting opinion thereon Now with great respect to him I say that is an insidious amendment because the effect of that will be to kill the Bill Honourable Members are aware that all Bills which are not passed during the tenure of this House will lapse, with the result that somebody else later on in the Assembly, either myself, if I happen to be there, or somebody else will have to revive the Bill Therefore, the whole attempt on the part of my Honourable friend, Mr. Acharya, under the innocent guise of seeking to elicit public opinion, is to kill the Bill, and that will be the result if the House accepts his amendment I should

have very gladly considered this amendment if the result of that had been to throw more light on it and not to kill the Bill entirely I am aware that this Bill does not go far enough For instance, as Dr Gour will inform the House later on, it does not deal with the difficulty of the onus of proof These are all technical questions and I do not wish to weary the House with them I have left out these matters, important as they are, because I know one bite is enough at a time If this Bill gets through, then we would have passed something which was before the public 30 years ago This Bill, as I told my Honourable friends in my opening remarks, was introduced in the Madras Legislature by Sir V Bashyam Aiyangar, a man of great distinction in those days and even now, whose memory is revered with all respect and honour by the profession of the law He had brought forward this Bill It passed the Legislative Council in those days, about the year 1900 I may be wrong by a year or two Then it was not allowed to proceed further because in those days, 30 years ago, doubts were raised whether the times were appropriate and ripe for such a measure Personal attacks were made upon Sir V Bashyam Aiyangar on the ground that he was a member of a joint Hindu family I am glad to say that I am not a member of a joint family and therefore not liable to be judged in that way The result was that the Government then said that, having regard to the times, this Bill should not be allowed to become law and the Bill was vetoed by the Governor Now, we have proceeded 30 years beyond that

I will give my Honourable friends one more instance to show that we are not adopting any extraordinary principle contrary to the rules of the Hindu law Now, take the hypothetical case which I gave to the Honourable House Supposing a Hindu acquires property with the aid of such education, even under the present law he can ask for separation and the partition of the property, and no one can prevent him from doing so And at that partition the other members of the family cannot insist that he must bring back or allow to be debited to his share, the money spent on his education Nobody can make a claim like that that is the law It may seem to be a somewhat extraordinary law, but the fact is that nobody can prevent him from getting that partition and in that partition nobody can say that the money which was spent on his education should be debited to his account or should be brought into hotch-pot That contention will not lie in the mouth of the family because that is not the law The result is that only the more delicate-minded people suffer The more selfish people, the moment they begin to acquire money, give notice that they want to be separated and the whole of the law is evaded The Privy Council have made this process more easy by ruling that any unequivocal intention is enough to constitute a partition The result is that more selfish people, the moment they are educated with the aid of the joint family, and see a prospect of making money or have made money, at once give notice for partition, with the result that they evade the division The more cultured, the more affectionate and tender minded do not do that, with the result that, on their death, trouble arises and causes a great deal of litigation As I said, the case is taken into a court and, like the old Chancery cases, of England, which became a scandal in ancient times, it does not emerge out of it for 6, 7 or 8 years During this time a Receiver is generally appointed of the property and he allows a few rupees to the lady whose husband

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left several lakhs of rupees. The Receiver collects all the rents, the widow is dispossessed and only gets a few rupees a month for her maintenance. This, Sir, is the present state of law.

Now, my Bill removes all these difficulties I would like to invite Honourable Members' attention to clause 3 of the amended Bill which runs thus

"Notwithstanding any custom, rule or interpretation of the Hindu Law, no gains or learning shall be held not to be the exclusive and separate property of the acquirer merely by reason of

(a) his learning having been, in whole or in part, imparted to him by any member, living or deceased, of his family, or with the aid of the joint funds of his family, or with the aid of the funds of any member thereof, or

(b) himself or his family having, while he was acquiring his learning, been maintained or supported, wholly or in part, by the joint funds of his family, or by the funds of any member thereof"

The last case, as the House will observe, is most extraordinary A man was sent to England for the purpose of education He earned his own living and maintained himself and obtained his education He came back, and made a large fortune The claim was made on the most extraordinary ground that, while he was in England, and although his education there was acquired with moneys which he earned there, his wife and children in India were maintained during his absence with the aid of some funds belonging to a brother Therefore, owing to this maintenance, all his future earnings became the joint family property Sir, the doctrine has been pushed to such an extravagant extent and it has, of course, caused a great deal of irritation I can say from my own knowledge of the members of a joint Hindu family and the way in which they live that there is a perpetual atmosphere of discord and suspicion, and subterfuges are adopted in order to conceal purchases and investments by the property being purchased in the name of some benami person in order to prevent any trace being left that the property was purchased with the funds of the acquirer They adopt subterfuges of a most extraordinary kind and it is difficult in a court of law to unravel or unclothe them except after a considerable amount of evidence, which means money I can assure my Honourable friends that all this causes chronic discord and embitterment in joint Hindu families I submit therefore that it will lead to great deal of amity and goodwill in the joint Hindu families if we could make two things clear in the present law If Honourable Members will turn to sub-clause (c) of clause 2 they will find that I have removed all difficulties and uncertainties It runs as follows:

"'Learning' means education, whether elementary, technical, scientific, special or general, and training of every kind which is usually intended to enable a person to pursue any trade, industry, profession or avocation in life"

Therefore all these distinctions, whether they are special gains of general education or the special gains of extraordinary education, or the ordinary gains of such education, all these inquiries which take place in a court of law are in one sweep cleared away. There will now be no distinction between different kinds of learning and the process will be very much simplified

So far I have dealt with the clauses of the Bill This Bill was referred during the Delhi Session to a Committee consisting of the Honourable the Law Member, Mr K C. Neogy, Mr N. C Kelkar, Rai Sahib Harbilas Sarda, Sir Purshotamdas Thakurdas and myself. Honourable Members will agree that it was a very strong committee consisting mainly of lawyers We purposely put in a business man (Sir Purshotamdas Thakurdas) and we went into this question very minutely More than two sittings were held Honourable Members will find that the Bill has emerged from the Committee with no alteration except one or two formal ones The Select Committee says

"The only changes which we have introduced into the Bill are of a formal nature, not affecting the substance"

In clause 3 they say

"We think that the Bill has not been so altered as to require re-publication, and we recommend that it be passed as now amended"

There is only one dissenting minute Therefore, it is clear that the Bill has received the approval of a strong and representative committee which had good legal and business talent available at its disposal The only point on which my Honourable friend, who is absent, Mr Kelkar, differed in his minute was this It is a very narrow point I shall explain what that point is and why the Select Committee did not agree with Mr Kelkar's view Mr Kelkar's point, as stated in this short minute is that the man who is dealt with in this Bill, namely, the acquirer, the man who acquires riches with the aid of the joint family funds, ought to be made to pay back whatever money was spent on his education That was Mr Kelkar's point At first sight it seems very equitable

An Honourable Member : Why ? How is it ?

Mr. M R Jayakar : I say at first sight, it seems to be equitable, but considered in greater detail the difficulties are immense. First of all, I will say, it is not in conformity with the present law As I told my Honourable friends even under the present law, there is no obligation on the part of the acquirer to pay back the expenses of education. Even under the present law, as it stands, if the acquirer, chooses to claim a partition, the law will not oblige him to give back the money Therefore, even under the present law, there is no equity that he should pay back the money He has only to claim a partition and the law allows it, on the bases of the property as it exists He takes the whole property including the amount spent on his education That is the first point which has to be remembered the alleged equity is only seeming and not in accordance with Hindu law Take the point further Supposing the acquirer has the benefit of a maintenance allowance from his brother during the time he was being educated, the brother cannot ask for the return of the maintenance allowance spent ; he cannot get back the accumulated money that has been spent for his maintenance If he claims partition under the present law, the brother cannot claim back this amount All the acquirer has to do is to send a notice of partition, and he escapes with the whole of his earnings, including the money spent for his education There is no obligation on his part to pay it back to the family. The Hindu law does not regard it as an equitable obligation A greater difficulty which I want my Honourable friends to remember is that a contrary rule would cause harassment and litigation.

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which it is one of the objects of the Bill to prevent Supposing the acquirer is dead and the case goes to a court of law The Court will have to inquire as against his widow, firstly what is the amount spent on his education ? Secondly, how much of it was spent on his general education , thirdly, how much of it was spent on his special education , fourthly, how much of it was responsible for or was the direct cause of the money which he acquired or how much of it was the indirect cause ? This means a long and harassing enquiry which my Bill seeks to avoid All such inquiries will be opened up if Mr Kelkar's point is to succeed Now, take a case where this enquiry goes to a court of law 25 years after the acquirer earned the money Supposing a man lives for 30 years The question does not arise during his lifetime Thirty years later, the widow will have to prove by oral or documentary evidence—possibly no documents were made or they have been destroyed during these 30 years—what money was sent to her husband to England for education, what money was sent to him when he was studying in the Elphinstone College, how much of that was spent on expert education and all these things Is it fair or just, I ask my Honourable friends, as men of common sense, that the widow should be put to all this harassing enquiry 30 years after ? The result of that will cause the mischief of feeding lawyers in court houses, which I am trying to avoid I do not think my profession will feel very grateful to me for having brought this Bill before this House I do not think it is necessary further to point out what the result will be if this House accedes to Mr Kelkar's minute of dissent All that I am trying to secure, namely, certainty and clearness of the law, all that benefit will be gone Besides, as I said just a few minutes ago, that is not the principle which is accepted by the Hindu law, that the money spent on a coparcener's education is to be regarded as a debt which he is bound to pay I submit, Sir, that this Bill may therefore be taken into consideration

Mr M. K. Acharya (South Arcot *cum* Chingleput Non-Muhammadan Rural) Sir, I beg to move that the Bill, as reported by the Select Committee, be circulated for the purposes of eliciting opinions thereon

My Honourable friend, Mr Jayakar, with an amount of learning which he rightly exulted in displaying, and with an amount of ingenuity which he might well have utilised in a better cause, has been trying to mislead the House, and it falls to my unfortunate lot to place before the House some higher aspect of the duty of this House than he, unfortunately today, content to be a mere lawyer has been calling upon us to discharge He has been talking a great deal of the great many difficulties that lawyers and judges felt and so on and so forth One admission he made and honestly made which startled me which shook me, and it was this . that this Bill, not only this Bill, but this House is not concerned with the morality of the question, but only with the technical legality and the technical bearings of the law, cases real or possible . .....

An Honourable Member : Did he say that ?

Mr M K Acharya : I took down his exact words He said, " We are not concerned with the morality of the question " as to what is

the relation of a man who is gaining through learning towards the family and what should be the relation of the man's earnings towards the family property He distinctly said that we were not concerned with the morality of it Possibly he is not concerned But, Sir, I am concerned, and I beg this House to say that it ought to be concerned with the moral aspect of every Bill that comes before it If the moral aspect is degrading, even if it is necessary to remove certain technical defects in certain places, we shall have to remove those defects without surrendering the moral principle It is after all the higher purpose for which any law ought to be passed that should be examined in any Legislature That the statement that we are not concerned with the morality of the question should come from the Leader of the Nationalist Party

An Honourable Member He said for the moment

Mr. M. K Acharya . I hope, Sir, that my Honourable friend knows better the conscience of my friend over there, but I do not know I am accustomed to hear people, especially lawyers—thank God, I am not one of them—talking about the immediate concern and things of that kind Sir, I wish for a little moment we do take, as I said, a really larger view of our responsibilities

Now, Sir, I do not deny that under the existing law there may be many difficulties He is a better authority than I am to speak from practical experience of the law There are probably cases of many individuals who gain large sums of money through their learning and are afterwards put to difficulties in sharing the gains of their learning with the members of their families I am ready to admit that there must be many difficult cases , I am ready to admit that there may be very many cases of great and real hardship Admitting that is one thing, but admitting a few or even many cases will not justify a sweeping law which interferes with what I may call the basic principles of the joint family system We know that the general trend of modern education is to disintegrate the joint family system For good or for bad we are all laying the axe at the root of the ancient Hindu family system and the ancient Hindu *dharma* We have been trying to disintegrate the family and to destroy the *dharma*

Mr President · Order, order I think the Honourable Member is moving his amendment that the Bill should be circulated for opinion He is not opposing this Bill, and therefore on this motion he should confine himself only to giving reasons for which this Bill should be circulated for public opinion He should confine himself to that one issue only

Mr M. K Acharya May I know under what rule I may not go into the principle of the Bill at this stage, because the Honourable he Mover went at great length to explain the principle ?

Mr President : That time will come when the Bill is discussed at he consideration stage Now the Honourable Member is moving his mendment and wants to show that the Bill should be circulated for ublic opinion On this motion the Honourable Member should only onfine himself to giving reasons why this Bill should be circulated

Mr M K. Acharya : My reason is simply this that I want the principle of the Bill to go before the public at large not in the wrong form in which the Honourable the Mover has put it, but in the right form in which I think the Bill ought to be understood , and therefore I am explaining how I understand the principle and how public opinion ought to be expressed on the principle of this Bill, which I say is to disintegrate the ancient Hindu family system more and more and very much more than it is being done now That, Sir, is my point and the public cannot give their opinion if this Bill is passed now And I cannot reasonably ask my colleagues here to support my humble motion as against a motion coming from such an authoritative source as the Mover of the Bill without explaining to them why I feel so strongly on the point that we must have very much more information about this and not take for granted as acceptable all that the Honourable the Mover has said That is my point

Now, Sir, the principle of the Bill is not simply to remove the few cases of doubt in the law If that were so, I daresay the lawyers and courts would do it As I understand it, it is firstly to disintegrate the ancient Hindu family system Secondly, from the moral standpoint I consider that it is to make a man more and more of a brute concentred in his own self, without thinking of his father or mother or sister, under whose love he was born and bred, those who gave him all their care and attention, fondled him in his early years, nursed him in his later years and went on looking after him and made him a man All these people are nothing His wife and children are everything to him and all his earnings will go to them He would not care whether his father or mother or sister was starving, but all his earnings would go to his wife and children only—beautiful moral ethics that indeed ! I can give many more cases than my friend has given There have been specific cases in which men born in very humble families have had all the care and fondling attention bestowed upon them by their parents and relations, have been brought up and helped to attain very high positions in life, have been turned into great lawyers, even like my Honourable friend over there, and have earned large sums of money, and become great men entitled even Rajahs And I know at least one case in which a man rose very high in life, lived all for himself and his wife and children only, and left his father to go about begging in the streets And the father, unable to live, was forced to contract a little debt of Rs 100, and a warrant for that amount was issued against him and the father at last went to the son's palace—he was himself in his old hut The son declined to pay this amount of Rs. 100, saying that he had been paying him Rs. 10 every month, which ought to have been enough for him And a far-off relation, from very shame that the father of such a big man should be arrested on a warrant of Rs 100, gave him that money to clear the debt

Mr. President : Order, order . The Honourable Member is an old Member of the House and he knows that when a Bill has been referred to a Select Committee the House accepts the principle of the Bill, and at this stage the principle of the Bill cannot be attacked The Honourable Member is in his speech attacking the very principle of the Bill which I cannot allow him to do

Mr. M. K. Acharya . Thank you, Sir ; it is very natural that my words should be very unpleasant. (Laughter) However, truth is

truth, very often unpleasant What I say is that these are facts on which the public have a right to think very leisurely, and the Bill was not circulated for opinion in the first instance I was anxious to move that this Bill should be circulated for opinion at the last Session, and it was only to oblige my Honourable friend there that I did not move it then. But because I did not move it then, it does not mean that I forfeit my right under the rules to move it now Because I thought that possibly the Select Committee might so draft the Bill as to free it from all possible objections I now find that one member of the Committee, for whom rightly or wrongly I have greater respect than for others, has put in some of the objections which I should have thought of very strongly. A legally trained man like my Honourable friend over there cannot attach much importance to these objections, but a poor morally trained man like myself and others like myself will attach great importance to the dissenting minute of my friend, Mr Kelkar And because the Select Committee evidently failed to carry out my friend Mr Kelkar's objections, and to make such alterations in the Bill as would have satisfied Mr Kelkar, it is for us to take the same view as he did , and it has unfortunately become necessary that I should raise this protest and say that the Bill must go to the public for opinion My Honourable friend may pay great compliments to the members of the Select Committee and say that the Bill was very carefully considered in all its aspects and that it has come out with the full support of the Committee But from the Report of the Select Committee I find that they did not evidently give much weight to Mr Kelkar's objections I have no doubt that Mr. Kelkar did put before the Committee his objections, which later on he was forced to put down in writing If his objections in the Committee had been properly considered there would have been no necessity for him to write a minute of dissent at all, and because his objections were evidently brushed aside by the Committee, he had to put them down in writing

Mr M R Jayakar Sir, I may inform my Honourable friend that a whole day was devoted to the consideration of the questions which Mr Kelkar brought before the Select Committee

Mr M K. Acharya . All the more pity that the Committee, in spite of a whole day's consideration, was not able to agree that there was a great principle involved in Mr Kelkar's objection Therefore my point is that it must go before the public and the public must decide whether the objections of Mr Kelkar do deserve to be brushed aside in the manner in which the four or five other members of the Committee did brush them aside, in spite of a whole day's consideration It is for the public to judge whether Mr Kalkar was, after all, right in putting forward these objections before the Select Committee, or whether the other members of the Select Committee were right, even after a full day's discussion in not taking note of Mr Kelkar's objections. I can understand the reasons for this Possibly the other members of the Committee were obsessed by what are called legal technicalities That is the great difficulty in this life When men become obsessed with legal technicalities they forget the demand of moral ideals It happens every day in life When a man becomes somehow concentrated on some particular point, that point becomes magnified out of all proportion and his whole mind becomes concentrated on that point

1 P.M.

[Mr M K Acharya]

Perhaps my friend thinks that, if this Bill is not passed, the heavens will tumble down upon us I can very well imagine it, and that is what happens when there is over-concentration on a particular point and that is exactly the root cause of all the trouble in this world One man seizes upon a phrase of a point and says that he will not be satisfied until he gains it, and all his life is given up to it—call it Dominion Status or self-determination he wants it in a certain document and he concentrates upon getting it Similarly, these lawyers, probably because they are lawyers, are over-obsessed by their legal difficulties, and do not probably pay as much attention to the moral side of the question But, Sir, has the public no right to consider the Bill from the moral side ? I plead that the question is, above all, a Hindu question and it is for the Hindu public to decide , this Bill is going to affect—as many other Bills coming up in the course of the day will—not other communities, but my unfortunate Hindu community , it is going to affect my unfortunate community, in which there are leaders calling themselves Hindus but who do not know what the basic principles of Hinduism are, who have been so perverted by the denationalised foreign education they have got that they have forgotten what the basic principles of Hindu *dharma* are Therefore, has not the Hindu public the right to know how this Bill is going to affect our Hindu *dharma* ? My friend, Mr. Amar Nath Dutt, is anxious to know what is my authority for saying that many of us do not know the meaning of Hindu *dharma* and that others besides myself are anxious to have their say upon this Bill before we proceed further with it Let me read one or two sentences from an open letter on this subject of the relation between the general Hindu public outside, to whom I want this Bill to be referred, and the Anglicised, denationalised Hindus who are sitting by my side (*An Honourable Member* "Question") This is an open letter addressed by the Bharata Dharma Mahamandal to the political leaders of the country on behalf of Hindu India

"Formerly the word 'Hindu' meant one who believed in the sacred scriptures of the Hindus, and followed their injunctions as articles of faith But now the term has acquired a different meaning It is often used as a simple synonym for any Indian who is non Muslim, and non Christian , and is often qualified with various adjectives We thus read of orthodox Hindu, non orthodox Hindu, Political Hindu, Reformed Hindu, Arya Hindu, Brahmo Hindu, and so on All these, excepting the first, are new groups, each of them having its own creed, aims and methods of propaganda These are not for mutual co operation, not for maintaining their common inherited stronghold of Dharma in its original grandeur, nor for making only such repairs in that stronghold as may be necessary to suit changed time and conditions, without interfering with its original principle and design They know not what mighty angelic hands had built that Dharmic citadel which in the main has stood the ravages of time, and stands still in utility and grandeur unsurpassed by that of any race, ancient or modern In their shallowness and fury these qualified Hindus will fain efface, if they can, this mighty edifice from the map of India Some of them with machine guns mouled in the Legislative arsenals of British India, some with sword and spear sharpened in separatist congregations and sabhas, some with match box propaganda trying to inflame the passions of the ignorant and gullible—all want to demolish the mighty structure of Hindu India, planned in conformity with the highest laws of Nature, and embellished with the ripe experience of countless ages"

Sir Hari Singh Gour (Central Provinces Hindi Division Non-Muhammadan) I rise to a point of order You, Sir, have decided that the principle of the Bill having been accepted after its reference to Select Committee, it was not open to the Honourable Member to attack

the principle of it in spite of your ruling, the Honourable Member is consistently and persistently attacking the principle of the Bill

Mr. M K. Acharya : I am not attacking the principle of the Bill, Sir, I am taking the view which many Hindus outside are entitled to take upon the manner in which the Bill and the provisions of the Bill are likely to affect the unfortunate Hindus who do not follow the lead in religious and social matters of the Honourable Mr Jayakar or the Honourable Sir Hari Singh Gour , and how those people look upon all such legislative measures which this House is considering, and how they will be affected by these provisions and not merely by the principle of this Bill Now, Sir, this open letter says and rightly says

' —all want to demolish the mighty structure of Hindu India Yet every one is supposed to act *bona fide* (There of course I give credit to my friends), and believes that he is doing the right thing for the regeneration and unification of the Hindu people "

That, Sir, is the view taken by the people outside of these measures , and here is a measure of that kind And I beg of you therefore to see that we have the opinion of those who are primarily affected by it Hindu joint family members will be greatly affected by this Bill Of course there are difficulties under the present law, but who knows there will not be greater difficulties if the present law be amended ? Which will be the lesser of the two evils ? That is not only for my friends here to judge or for me to prove, it will be a matter for the entire Hindu community outside to express its opinion upon

I come to another point This Bill, or something very much like it, was brought forward forty years ago in Madras by a gentleman who was even a greater lawyer than my friend over there—I mean the late Sir V Bashyam Aiyangar , and he was even more keen about it than my friend to-day is , and yet the Bill brought by such a very distinguished lawyer and supported by very many other lawyers had to be withdrawn Why ? Because public opinion in Madras was so strongly against it that, in spite of very many imperfections in the existing law, in spite of the very many hardships which the law at present inflicts upon members of the joint Hindu families, and in spite of the very many bad cases which have come before the courts, forty years ago public opinion was so strong that even a higher man than my friend, Mr Jayakar, had to withdraw the Bill Has public opinion really gone forward in favour of this measure ? That is all the question I ask If that is so, if public opinion is going to welcome this Bill to-day, as it did not forty years ago, then I shall withdraw my objection That is exactly the point Mr Jayakar has himself admitted that forty years ago public opinion was greatly against this Bill and this Bill had therefore to be withdrawn

Mr M R Jayakar : My Honourable friend is not accurate , I never said that the Bill was withdrawn , it was vetoed by His Excellency the Governor of Madras

Mr M K. Acharya : I am very glad of the correction , it is a technical correction which I most thankfully accept Public opinion was so strong that His Excellency the Governor recognised its importance and was prudent enough not to give to the Bill his assent , and I wish His Excellency the Viceroy in this case, before allowing this Bill to come up here, had taken public opinion, even before allowing it to be introduced But whatever that may be, the fact is there that the Bill was drafted

[Mr M K Acharya]

and it was before the public and the public opinion was so strongly against it that it was either not introduced or was not proceeded with or had to be vetoed—I do not care for these technicalities . the Governor, very rightly in response to public opinion, recognised that he ought not to allow the Bill to become law The substantial question then arises has public opinion now altered considerably, and will the general Hindu public, the orthodox Hindu public and the members of the joint Hindu families, who are going to be affected by this Bill, welcome this Bill to-day ? My friend will probably answer that the good people whom he represents will welcome the Bill, and the worse sort of people, whom I represent, will not welcome it and will raise a hue and cry , but in any case let us have at least some kind of public support to this Bill—some measure of public opinion behind it , and I ask you whether it is not the duty of this Legislature not to proceed with a Bill of this kind, especially the Members who do not happen to belong to joint Hindu families What right have you to legislate for us and to force laws upon us—laws by which you yourselves are not affected ? You sit quite safe and you impose laws upon us, and make laws for others by the sheer accident that you happen to be Members of the Legislature, you impose laws upon people from whom you are quite different and whom you are not even prepared to recognise as eligible to give an opinion Where is the righteousness of making laws like this ? In all charity, therefore, do not inflict laws upon people with whom you have no concern for whose joint family ideals you have probably no sympathy—do not for God's sake interfere There is already enough bad feeling in the country, do not increase that bad feeling, this is not the time, this is not the day, we have a great many other things to engage our attention—very much more serious My Honourable friend has himself admitted that, with all these imperfections, the Hindu law has been working for many years, and it is not as if, if you do not pass this law now, the heavens will tumble down There might have been a few people who might have been harassed

Mr President . Order, order. I cannot allow any violation of the rules The Honourable Member has been from the very beginning opposing the principle of the Bill and it cannot be done at this stage

Mr M K Acharya . Sir I am not attacking the principle at all What I am saying is that if we can wait a little bit longer and not pass this measure to-day we may be able to make some detailed alterations in the law acceptable to all I am not attacking the principle at all

Mr President : The Honourable Member is altogether opposing the principle of the Bill

Mr M. K Acharya : Can I not oppose the Bill or any provision of it, Sir ?

Mr President : When the Honourable Member is moving his amendment, he must confine himself to the reasons he has to give for his amendment, and he cannot attack the principle of the Bill at this stage

Mr. M. K Acharya : My reasons are these for re-circulation of the Bill. I am stating that the Hindu community has a right to know what the provisions of the Bill are

Mr. President : That you have already said What else has the Honourable Member got to say ?

Mr M. K. Acharya . There is no particular hurry in passing this measure to-day That is my next point The present Hindu law has been getting on very well We have been working fairly well with it in spite of all its imperfections , and to-day, I say, there is no particular hurry for passing this Bill, and therefore the Bill can very well wait for some time more Sir, my friend was telling me that I was making a very insidious motion I am very frank, Sir I do not think there is anything insidious in the amendment I am bringing forward , there is nothing ingenious about it , there is nothing covert about it I simply want people to have their say , I simply tell them how they will be affected And as I said if this Bill is not passed to-day, it will not be killed My friend there will live long and I give him my Brahmin's blessings He will come back to this Assembly with perhaps a larger following If therefore this Bill is introduced with the support of public opinion from learned lawyers like himself, incorporating all the objections which Mr Kelkar has raised, I hope he will be privileged in the next Assembly to get it passed with the support of public opinion Let me assure my friend that, till then the heavens are not going to tumble down Whether I come to this House or not, certainly he is bound to come and this Bill can very well be introduced in the next Assembly Meantime, you can get public opinion instead of our thinking that all the legal genius of this country is confined to the few brains in this House and passing the Bill in such great hurry Let us consult all the various legal geniuses in this country , let us take their opinion, and let us consider how Mr Kelkar's objections might be incorporated in this Bill as unfortunately the majority of the Select Committee were not able to incorporate them Therefore, Sir, for these reasons, because the provisions of the Bill do make great inroads into the Hindu joint family system, because the provisions of the Bill are such as have not been unanimously agreed upon by the Members of the Select Committee, because the provisions of the Bill follow very closely another Bill which was introduced 40 years ago and against which public opinion in Madras was so strong that it had to be given up, because the Hindu community, who have a right to be consulted on this measure, have not been sufficiently consulted, I say that this measure should not be passed in a hurry as we are attempting to pass it And lastly, Sir, because we have got many more important things engrossing our attention at the present time, and for God's sake let us not waste our time, let us not divert the attention of the House to all these small matters I beg of this House to send this Bill for public opinion Let us have better materials , let us have larger opinions on which to frame this Bill and on which we can give our vote honestly with a full sense of responsibility, and not merely because some leader wants us to give our vote in this way or that way I beg of this House, therefore, kindly to accept this motion that the Bill be sent up for public opinion and that the Hindu community, who will be primarily affected by this Bill, be given an opportunity to express their opinion to which they are entitled before a measure of this character is passed into law

Dr. Nand Lal (West Punjab : Non-Muhammadan) : Sir, there is no doubt that this measure is one of those measures which can be characterised

[Dr. Nand Lal]

as very important and of great usefulness to the Hindu community The measure being so important because it will apply to the bulk of the people of this country, doubts naturally arise in the minds of every person in this House who has to perform his duty rightly

(At this stage Mr President vacated the Chair which was taken by Mr Deputy President)

The objections raised by the previous speaker have been occupying my mind very seriously, and after giving my thought to the *pros* and *cons* of the whole matter, I am driven to the conclusion that this measure deserves approbation at the hands of this House

Sir, there are four phases from which this Bill can be looked at with a view to give a correct opinion on it There is no doubt that so far as the principle of the Bill is concerned, it has got the support of the majority of the members of the Select Committee, and their opinion deserves great respect The four phases to which I want to advert are as follows The first phase relates to the moral aspect With great respect for my Honourable and learned friend, Mr Javakar, I differ from him when he says that morality is excluded altogether so far as the realm or domain of the law is concerned However, differing from him, as I do in this view, I submit that, so far as the Hindu household social morality and social views are concerned, this Bill will, to a certain extent, create some sort of difference of opinion It cannot be denied that orthodox Hindus will not be really happy to hear that this Bill is passed There is no doubt about it, that there ought to be an element of morality, though it should not have the bulk of it when we are passing the law Consequently, I submit, Sir, that the argument centring round the question of morality has not got immediate bearing, though, no doubt, it may have a remote bearing Moral views are not to be expunged, they are not be eliminated , they are not to be ignored However, when we compare those arguments with the principles of the Bill, we are driven to this conclusion that we may bid good-bye to the too great claim of morality in view of the other advantages which will be derived by the public by this measure

The second phase is equity There is no doubt that the equitable phase requires equal deliberation Equity requires that you, a member of coparcenery, have been educated from the money of the whole family , that the money of the family was spent on you, on your learning, learning as defined by this measure, and when you have attained your object, so far as learning and education are concerned, you have allowed yourself to be selfish, and you want to say now that the other members of the family have got no concern and you should have mastery over your entire earnings which will be acquired in consequence of the education imparted to you at the expense of the joint family moneys This sort of criticism in the shape of equitable views could be advanced and deserves some appreciation, but not to such an extent that it should do away with this useful measure in the light of modern conditions My Honourable and learned friend has already given cogent reasons in support of his motion and I need not repeat them A man, who has acquired money in consequence of his learning and his education, is certainly competent, so far as the law is concerned, to make an application for partition. There is no law, whether

statutory or case law, which can prevent it Thus so far as equity is concerned, so far as the equitable aspect of the case is concerned, it has not got much weight against the measure The law will prevail, and equity will have to give in Consequently, the second phase, which can be characterised as the equitable phase, cannot prevent us from considering this Bill So far as it is concerned, the law, wholly and solely, and in its entirety, is in favour of this measure This is a measure which is purely based on law

The third phase is this, if this measure is considered and eventually passed into law, what effect will it have on the family and the manager of the family, or the *kartha* of the family, in connection with the imparting of education to the members of the coparcenery ? This is a subtle point of great weight and importance When a man, who has acquired education at the cost of the family money and has become a graduate, or a barrister, or an LL B, or engineer, says " I shall have the monopoly of the whole thing," it is a question which is really debatable and requires considerable thought and patience—no doubt about it But there is an answer to it, and that answer is this If any joint Hindu family will feel reluctant on that score, suppose there were four boys belonging to the family and the family was going to spend so much money on the education of one, and that one after having got the education says, " I shall be entitled to the whole of my earnings as the result of my education," then the other boys might sustain some monetary loss, and this idea will occur to the *kartha* or manager of the family Therefore, this may discourage the love for giving high or costly education to the members of the coparcenery I think there is some weight in this argument This idea will occur to every thoughtful mind, but we have to see what is the eventual gain, what is the eventual profit, and then we are brought face to face with this conclusion that we have to put up with this sort of discouragement Because, love for education will really have a victory over that sort of argument Therefore there is not much to fear so far as the four phases are concerned My Honourable and learned friend, the author of this measure, has dealt with the subject very ably and has gone into the minutest details, and I do not desire to go into them again and to detain the House long My submission is this That my consideration of the *pros* and *cons* of this measure induces me to support this measure and go against the amendment and I hope that it, namely, the Bill will be considered by this House

Mr. C V. Venkataramana Aiyangar (Madras Indian Commerce) Sir, I have always thought that Members who come here newly should listen and learn and should not speak especially in the first Session But if I rise now it is because my Honourable friend, Mr Acharya has called upon the orthodox Members of this House to declare their position Sir, I am an humble orthodox Member like my Honourable friend, though probably I may not grow a beard I am very much in favour of this Bill, and I feel that any attempt to shelve or delay it will certainly be dangerous I do not know if Mr Acharya commits the insult of saying that the late Sir V Bashyam Aiyangar was not much more orthodox than himself The whole orthodox community of Southern India, especially the Aiyangar community, would rise in revolt against my Honourable friend if he suggested that the late Sir V Bashyam Aiyangar was not orthodox (*Mr M K. Acharya* " Question ") I know these " Questions " It is these questioning and doubting people that always create the trouble, but

[Mr C V Venkataramana Aiyangar]

I do say this, that so far as the late Sir V Bashyam Aiyangar was concerned, he was one of the most orthodox men in Southern India, especially among the Aiyangar community My Honourable friend wants to shelve this matter at this last stage when we all know that the Assembly is going to be dissolved, and his only object in moving this amendment is that the Bill should be wrecked There must have been a number of previous stages when he could have moved this motion There were a number of stages when he could have easily pressed his views Does my Honourable friend think that nobody knew of this Bill ? Was this Bill confined within the four walls of this House ? It must have been published in every provincial Gazette and in every language of every possible province, and if my Honourable friend kept quiet then as well as his so-called orthodox friends, they must thank themselves From the beginning there seems to have been an unanimous opinion, in favour of this Bill and there seems to have been no objection from the orthodox section, and the country seems to have been in favour of this Bill (*Mr M K Acharya* "No") My Honourable friend referred to Mr Kelkar What does Mr Kelkar say " With great respect to my Honourable friend, Mr Kelkar says from beginning to end that he approves of the Bill He postulates that the Bill is quite necessary , only he says that, in the interests of justice to the other members of the joint family, the acquirers should be made to pay the money that they had received from the joint family for education My Honourable friend has taken the cue from that, and has given notice of a similar amendment, and his proper duty, his reasonable duty, and his sensible duty would have been to press that amendment if he cared Probably he thinks that he cannot substantiate that Further on, he said that the joint family would be dissolved by this course I am exactly of the contrary opinion Under the present law a member can dissolve the joint family if he likes as soon as he begins to get money This measure will prevent such a disruption

Mr Deputy President Is the Honourable Member likely to take long to finish his speech ?

Mr C V Venkataramana Aiyangar Five or ten minutes

Mr Deputy President If it is five minutes I shall allow him to go on , otherwise I shall adjourn the House for Lunch

Mr C V Venkataramana Aiyangar I shall take ten minutes, Sir I think we had better adjourn

Mr Deputy President This House stands adjourned till twenty minutes to three

The Assembly then adjourned for Lunch till Twenty Minutes to Three of the Clock

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The Assembly re-assembled after Lunch at Twenty Minutes to Three of the Clock, Mr President in the Chair

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Mr C V Venkataramana Aiyangar When the House rose for Lunch, I was alluding Sir, to the statement made by Mr Acharya that this

Bill would cause disruption to Hindu family life I was rebutting it and saying that Mr Jayakar's Bill would be one of those causes that would exactly prevent such disruptions What now happens is that when a man begins to acquire property, he, under the law as it is, gives notice of partition to the members of the family Nobody can say anything against it Secondly, another thing sometimes happens unfortunately and that is that, when a person acquires money, he is afraid either of his old father or mother or other coparceners and what he does is that he executes documents for whatever he earns in the names of other people, such as his brother-in-law, his father in-law and so on, with the result that it ends in litigation and it causes disruption of the family much more Therefore Mr Jayakar has done very well in pointing out in his Statement of Objects and Reasons that the object of this Bill is to continue the family, and I believe I am correct in saying—and I speak subject to contradiction—that Sir V Bashyam Aiyangar said the same thing in his Statement of Objects and Reasons I trust that this Bill may be passed to-day, so far as this Assembly is concerned

I would just point out one or two more things My friend Mr Acharya, referred to the Goddess of Morality He has trampled the poor Goddess under foot That is probably the reason Sir why my friend is very fond of lady picketers and they are so very fond of him as he invites the Goddess of Morality in connection with this Bill I do not know what he means Mr Jayakar clearly stated that, in the interests of morality, this Bill should be passed He referred to it more than once and at the same time he added that grounds of morality alone would not be sufficient What he evidently meant was that there should be strong legal and social grounds, as well as moral grounds, and therefore, Sir, it is absurd to say that morality is against this Bill Mr Jayakar never admitted that and I do not think anybody can postulate that point Then Mr Acharya unfortunately referred to our family life and he said that our young men are so fond of their wives and children that they ignore their fathers and mothers and sisters I do not know if that can be one of the reasons for sending this Bill for public opinion What I would respectfully say is this No father or mother who gives money for the education of their sons would ever dream that the money should be returned to them some years afterwards, and I do not think that any father educates his sons in the hope of a monetary gain at some future time I may quote my own personal case My father, who knew this bad law, did a very good thing Though his whole property was self-acquired property, when he gave money for my special education, he gave it as a loan and when I began to earn he took back the money from me, thereby putting an end to the possibility of my being asked to pay to others practically everything that I earned later on This Bill will prevent disruption of family life It will prevent unnecessary litigation, and I think it is the duty of this House to prevent a very large number of persons from going to Court and ruining themselves When I was practising,—I have given up practice during the last ten years and I do not know if things have gone worse in the interval—I knew of several cases which had come to Court Nobody gained anything, and after a lapse of 30 or 40 years, there was the difficulty of getting reliable evidence The parties become paupers by litigation, then they go out of the Courts Therefore, in the interests of the economics of social life and of religious life, this Bill ought to be passed into law at once If

[Mr C V Venkataramana Aiyangar]

my friend, Mr Acharya, has got fair and strong grounds for his contention, let him take the direct road He knows that time is very short and therefore he wants to delay this motion by talking two or three times and wasting the time of the House If he thinks that this Bill is unfair, immoral or anything like that, let him have a straight fight on that point My friend, Mr Acharya, is so fond of interviewing the Governor General and the Governor General is so fond of interviewing him So, if he feels that this Assembly has done anything wrong in passing this Bill it is open to him to interview the Governor General and tell him to veto this Bill In any case we must pass this Bill to-day I have only one word more to say This Bill was introduced in the September Session last year and I do not think it lies in the mouth of anybody to say that the public have not had time to consider its provisions, and it is clear that what my friend, Mr. Acharya, wants is to prevent the passage of this Bill Sir I strongly oppose his amendment and I hope that the House will reject that and pass the Bill unanimously

Sir Hari Singh Gour: I am afraid a somewhat misleading lead has been given in this case which has been treated as a measure of social reform or as a matter of morality Sir, if there is any question of morality in this case it is a case upon which it was the incumbent duty of the Government to take action immediately after they had read the judgment of the Privy Council in the leading case of Gokal Chand v Hukam Chand reported in 2 Lahore page 40 Honourable Members are aware that the Hindu law has two conflicting texts on the subject of self acquisitions One is that, all acquisitions which are the result of learning or the gains of science usually belong to the acquirer and the other text is that of *Yadnavalkya*, that property acquired without detriment to the patrimony shall belong to the acquirer Now, Sir, these two texts have given rise to a crop of conflicting cases and when Sir V Bashyam Aiyangar introduced this Bill 40 years ago, the juristic notion of what was learning and science and how it would be contra-distinguished with the detriment of the patrimony was not clearly understood In this judgment of the Privy Council, delivered in 1921, Their Lordships of the Privy Council made it abundantly clear that, so far as they were concerned, they did not see the distinction between learning and science Let me give you their *ipssissima verba*—I read from page 51—and that would be my amplest justification for supporting this measure This is what Their Lordships say

"It may be difficult to say now why the anomaly should have arisen, by which the gains of a man's own labour or of his own bargains are impartible, because they are the fruits of his own effort, while the gains of his science are partible, though they are the fruits of his effort too In each case the member of the joint family is indebted to the family funds for something, in the former, for the nurture which has made him strong to labour, in the latter, for the professional education in addition which has made him also skilled in art Conversely, the dull coparcener, who learns but turns his learning to poor account must share his gains such as they are, while his brother who learns without teaching and acquires professional skill by intuition only, keeps his greater gains for himself All that can be said is that the rule, if really anomalous, is too old and well settled to be altered now"

Their Lordships of the Privy Council have in unmistakable terms pointed out the anomaly that exists in Hindu law in making acquisitions of property as the result of personal effort as his own property, whereas if the gains are the gains of science, they are also his property, provided

ey are not acquired in a particular manner without detriment to the patnony Now I think this doubt, that exists as to general education and ecial education general education and technical education, is, as Their rdships of the Privy Council pointed out, illusory, and therefore what e Honourable Mr Javakar has done is to remove this distinction which heir Lordships in this characteristic language have condemned as illoical and illusory Now what is the net result of his Bill ? The net sult of his Bill is that, while all law up to date is clear, that if one of the mbers of a joint family receives general education and as a result of at general education, acquires wealth, then all that wealth becomes his lf-acquired property, but Hindu law, as it was understood (but as it s been misunderstood as Their Lordships of the Privy Council pointed t in 1921) drew a distinction that, if that education was of a technical professional character, then in that case the acquirer does not get the operty as his own Mr Javakar wants to make it absolutely clear that, both cases, the property shall be the property of the acquirer, and in ing so, he is giving effect to the just criticism of Their Lordships of the ivy Council If therefore I support his Bill, I am not supporting it on y moral or social reform grounds I am doing so because I feel that it s incumbent on Government in 1921, when they received this authoritae pronouncement from the highest Court of appeal, pointing out the omaly and the illogical distinction that exists between these two texts of ndu law, to take action and rectify that anomaly by an amending Act or an Act intended to clarify the law Now that settles one question Mr yakar's Bill settles the first point, but the anomaly to which Their rdships of the Privy Council referred would still remain, and I think is my duty to point out to the Honourable the Law Member and his cers of the Legislative Department that they should take early action remove other anomalies of a cognate character, without which the reval of this anomaly would be insufficient Honourable Members are are that I have pointed out that there are two texts of Hindu law—one arding the gains of learning and science and the other regarding acquiions made without detriment to the patrimony Now let me simply stiate my point A father has got ample funds, and out of those ample nds he sends his son to England, and he comes back as either a barrister a member of the Indian Civil Service and he accumulates considerable alth This wealth, according to the conflicting texts of Hindu law, as derstood by the Privy Council in 1921, and to which they give effect, uld become the joint property of the family, but as Their Lordships the Privy Council said, " We do not know why it becomes the property the joint family, but this is your law and we administer it as such, but the same time we point out the anomaly " Now take the other case, a father, a very poor man, who is ambitious and has got a clever son, sells his fields and his house and raises money, and with that money he ds his son to England, and he then comes back as a member of the lian Civil Service or as a member of the bar and similarly accumulates ch wealth That is acquisition of wealth with detriment to the patriny What is the result ? The result is not stated in this Bill, and re afraid when this Bill is the subject of interpretation in the Courts, re will arise conflicting views again, and if I had got a hand in the fting of this Bill, I would have easily amended it so as also to exclude es of the kind I have mentioned As it is, the Select Committee have fted this Bill and sub-clause (*a*) of clause 3 says " With the aid of the

[Sir Hari Singh Gour]

important joint funds If I sell them, then it is to the detriment of the family, and another conflicting text will immediately come into operation to defeat this law I do not wish to be over-critical, but I am raising an objection which has been raised by Their Lordships of the Privy Council themselves The matter would be clearer if Honourable Members will turn to the statement contained at pages 45 and 46 There is a short passage and it will repay perusal I shall read it Their Lordships say

"The distinction between acquisitions made by a coparcener solely by his own exertions and those which have involved the use of the patrimony is as old as the laws of Manu The text of the Mitakshara gives as an instance of impartible acquisition that which has been gained by 'science' or learning Difficulties"—

Mark these words—

"in applying this simple distinction are supposed to begin when Vijnaneswara makes the comment on this illustration, that 'without detriment to the father's estate' must be implied throughout the passage, so that the gains of this kind, which are impartible, are not gains of science as such, but gains of science made without any detriment to the father's estate and acquired by the coparcener's exertions independently of patrimonial help Succeeding commentators developed this point, not always in terms that can be completely reconciled, but the rule itself is simple and logical, though difficulties arise, as with so many rules, in the application"

Now, Sir this is a difficulty which I am pointing out You have drafted this Bill and, with all respect to the Members of the Select Committee, you have overlooked this most important point which will give rise to conflicting decisions and create further confusion of law which they might have obviated if they had provided against it This is my second point The Honourable the Mover of this Bill

3 PM

Dr Nand Lal How are these observations applicable to the present measure ?

Sir Hari Singh Gour I am afraid my Honourable friend does not understand me, but I know that the Honourable the Law Member understands me all right

Dr. A. Suhrawardy (Burdwan and Presidency Divisions Muhammadan Rural) You must make it understandable to the House Do not rely on Government support alone

Sir Hari Singh Gour Now, I pass on to the other point The author of this Bill in his Statement of Objects and Reasons has rightly pointed out that the great difficulty in cases of this kind arises when the acquirer of the wealth is dead and his widow or daughter

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : I rise on a point of order Sir I understand there is only one amendment before the House moved by Mr Acharya My Honourable friend (Sir Hari Singh Gour) is not moving an amendment

Mr President He is speaking on the motion before the House

Sir Hari Singh Gour : I think my Honourable friend is new to the House and is not conversant with the procedure of the House But I hope he will learn it

The third point is this The Honourable the Author of this Bill, in his Statement of Objects and Reasons, rightly pointed out that the difficulties in cases of this kind occur when the acquirer is dead and his widow or

daughters have to litigate about their husband's estate, in which case they are confronted with the difficult task of having to prove that the property is exceptional and is not subject to the ordinary presumption of Hindu law that it is a joint family property That, I submit, is the crux of the whole case But this Bill does not provide for the onus of proof that in all cases where the acquisition is made as a result of learning and science, or whether it is made with or without detriment to the family estate, the property shall be deemed to be the property of the acquirer and it shall be so presumed If that had been the simple language of the section, it would have been complete

Dr. Nand Lal My learned friend is perhaps aware that the question of onus is the question of procedure and not of substantive law We are now dealing with substantive law or a measure which is going to be enacted as an Act We are not discussing procedure

Sir Cowasji Jehangir The Honourable Member must speak on the amendment, which is to the effect that the Bill be circulated

Mr President I suppose, Sir Hari Singh Gour is giving reasons why the Bill should be circulated and he is pointing out the defects of the Bill

Sir Cowasji Jehangir Is he supporting the amendment ?

Sir Hari Singh Gour I think I have made myself perfectly clear in stating, at that very beginning, that this Bill is an improvement and has settled one conflicting point of law, namely it eliminates the distinction between learning and science But it falls short of the other two conflicting views of law The second is as regards the detriment to the patrimony and particularly as regards the burden of proof, and I am appealing to the Honourable the Home Member and to the Honourable the Law Member that, in order to reconcile the judicial conflicts on this point and give effect to what I have pointed out as the considered opinion of Their Lordships of the Privy Council, it is the duty of the Government to bring in another Bill early next year or as soon as possible with a view to complete the reform in the interpretation of this branch of Hindu law That is my submission

Now, I wish to point out that, on this particular question of the onus of proof, the High Courts have been for a long series of years giving contradictory judgments We have, in the first place, an acquirer of property in sole possession of the estate in which case the question arises whether an acquirer of property who is in sole possession of the estate shall be presumed or shall not be presumed to be the owner of the property Section 110 of the Evidence Act says that the person who is in possession of the property shall be presumed to be the owner , but the Hindu Law declares it otherwise The Hindu Law says that, whatever estate you have in a family, it shall presumably belong to the joint family. So there is a conflict between the Hindu Law and section 110 of the Evidence Act The Honourable the Mover of this motion points out the difficulties with which widows and daughters are confronted on the death of their bread-winner As these are the difficulties which still remain. I would ask the Honourable the Law Member, who had nodded his assent to my view, that he will rectify in the interests of the clarification of the law the serious conflict between the Hindu Law and section 110 of the Evidence Act I submit, in order to make the law perfectly clear, it should be declared that whatever a person is in possession of whether

[Sir Hari Singh Gour]

he is a member of a joint Hindu family or otherwise he must be presumed to be the owner because no rule of Indian law can contravene this plain principle of justice and equity

Now, Sir, having spoken so far, I wish to point out that the Honourable Mr Acharya stated that you are contravening the *Dharma*, and that you are contravening the Hindu Law I hope he will now agree that there is no question of contravening the Hindu Law It is a question of elucidating the Hindu Law, it is a question of nationalising the Hindu Law, it is a question of clarifying the conflict in the judicial cases which exists and to which reference has been made by the highest tribunals in this country

Mr M. K Acharya At whose request you are doing it ?

Sir Hari Singh Gour Then, Sir, it has been said that equity demands that the acquirer should reimburse the expenses of his education Now, I am surprised to hear why such an amendment has been made or how such an amendment can be passed by this House No English Law, no Muhammadan Law, no Jewish Law makes any such provision If the father wishes to educate his children and he does so out of natural love and affection does he expect any reimbursement ? If he does, it is a moral claim and not a legal claim And why should it any more be a legal claim under the Hindu Law than under any other law in the land or elsewhere When this Bill is passed, the father will know that he is not entitled to any reimbursement, and still he will educate his son either in a professional or some other capacity I object to the introduction of commercialism in a Hindu joint family I therefore see no reason whatever for reimbursing the father for the outlay he has made on the education of his children

Then it has been said that this is a case which will completely disintegrate the Hindu society I have already pointed out that there must be a complete misapprehension of law on the part of those who consider that this is an effort made in the direction of disintegrating the Hindu society When I have said that it is not a matter of social reform, when I have said it is not a question of any improvement or advancement of the existing law, when I have said it merely clears an obscurity, removes a doubt and reconciles a conflict which the judicial authorities have noticed in the texts of the Hindu Law, then I submit I stand on a solid ground in asking the Government to give their combined support to this Bill, because I feel that, though it is not as complete a Bill as I should like to see enacted, still I think it is a Bill that goes in the right direction and, at any rate, elucidates one point upon which the Privy Council have noticed a clear anomaly Sir, on these grounds I entirely support the motion of my Honourable friend and I appeal to the Government that they should support this measure overruling all the amendments, not on the ground that it is a measure of social reform, because as I have already pointed out it is not a measure of social reform, but one in which Mr Jayakar is doing a partial duty, which it was incumbent upon the Government to undertake after the judicial decision of Their Lordships of the Privy Council in 1921, and I therefore submit that it is the duty which a Member of the Opposition is doing on behalf of the Government for which the Government should be thankful I therefore ask the Government to give their combined and united support to my Honourable friend Mr Jayakar's motion

Rai Bahadur S C Dutta (Surma Valley *cum* Shillong Non-Muhammadan) Sir, I wish to submit that the two points urged by the Deputy President do not apply to the merits of this Bill It is clear from his own statement that, so far as the law of the burden of proof is concerned, if no provision is made in this Bill, the general principles of burden of proof which are enunciated in the Indian Evidence Act, coupled with the presumption of the Hindu law, will govern the case so that, although there might be room for improvement in this respect, it might be made by a separate Bill Then, as to the apprehension that he entertains that there may be future conflicts in the interpretation of this Bill, if passed into law, as to the law regarding acquisition of learning at the expense of joint funds referring to the doctrine of detriment of the joint family funds or joint family property, I submit that the provisions of this Bill really cover this point and there cannot be any future conflict, because the definition of the Bill is wide enough to cover the cases the Honourable Member pointed out, namely, education acquired at the expense or to the detriment of the family property or by selling some family property, because that is also borne out of joint family funds So that I submit that in that respect the Bill alters to some extent the law to the detriment of the family property, and this is all that the Bill affects in giving a wider definition of the law of gains of learning

Passing from these two points, I should only say that I do not look upon this Bill as departing from any principles of morality (Hear hear) because, I am not a believer in morality by compulsion

An Honourable Member Not even a believer in picketing

Rai Bahadur S C Dutta No, not even a believer in picketing when there is compulsion in it Sir, I did not understand the Leader of the Opposition as saying that he did not consider the morality of the thing What I understood him to say was this that so far as this Bill was concerned, the discussion as to the morality of the thing was not very relevant because the Hindu law also which he was proposing to alter in certain small respects did not consider any moral principles, but looked to the expediency of things

Mr M. K Acharya Question

Rai Bahadur S C Dutta The Hindu Law on this point looks mainly to expediency and not to morality (*An Honourable Member* "No") when it allows a selfish member to force partition when he has begun to earn There are selfish members, as was already pointed out, who force partition after they have acquired learning at the expense of the joint family funds What would be the position if the Bill is passed? It would be only this, that the definition of gains of learning would be wider and it would remove conflicts of law, as to the difficulties in applying the law by interpreting the ancient texts But then I should point out that this law as to gains of learning covers only a very small part of the law of self-acquired property The other aspects of the law relating to self-acquired property are not affected by this Bill For instance, even if a man, a member of a joint family, acquired property by his own efforts or by means of learning, gained at the expense of general education, yet he had the option to treat this as joint family property and throw it in the hotch-potch and to mix it up with the other joint family properties so that it might hereafter be treated as joint family property If he did this by his own act, it would be treated as joint family property.

[Rai Bahadur S C Dutta]

Even if he had the right to claim his self-acquired property, there is nothing in the Hindu law debarring him from devoting the same to the benefit of the same, and that law is not affected by this Bill So, what I submit is this I submit, as the Hindu law has no means of preventing the disruptive tendencies breaking the joint family as a result of the action of selfish members in forcing a partition, it is better that the joint family should be maintained by the voluntary action of the members, that is, if they think it proper and if they are generous minded persons, and if they have received considerable benefit from joint family funds, they will not cheat others They would give a proper share to the joint family funds There is nothing to prevent a man from promoting the interests of other members of the family Those who are not selfish, those who are generous will not fail to help other members of the family, and by helping them out of their goodwill they would be promoting the highest morality

Mr. N Natesa Ayyar (Madura and Ramnad *cum* Tinnevelly Non Muhammadan Rural) Sir, I rise to raise my feeble voice on behalf of the voiceless millions of the orthodox Hindu community I feel, Sir, and the orthodox Hindu community, whom I have the honour to represent, feels that this Bill is a Bill which is absolutely revolutionary in its character It is a Bill which strikes at the fundamentals of Hindu law, whereas the Hindu law in unequivocal terms declares that the property acquired by a member of a joint Hindu family, except in special circumstances to which we need not now refer, must be treated as the property of the joint family, this Bill shakes the Hindu law to its very foundations and it proceeds to say that that property will be his separate property, not partible at the instance of any of the members The Hindu community, which I have the honour to represent in this House has always been a very docile community, strong in the security of religious freedom, which has been vouchsafed to them by the successive proclamations of the various Sovereigns of India They had been remaining impervious to the surroundings and oblivious of what was going on around them The result was that they did not acquaint themselves with what was going on and they are mainly responsible for the position in which they find themselves now At no time have they had adequate representation in this Assembly or elsewhere But a strange event happened last year, this attitude of theirs received a rude shock, and a very violent shock in the shape of that legislative monstrosity which is now strutting under the name of the Child Marriage Restraint Act They woke up to the real situation, and they have come before the Assembly to-day to represent their grievances They feel that this Bill means sounding the death-knell of the joint family ties and affections

Dr. Nand Lal I may remind my Honourable friend of the conflicts in the various schools of Hindu law.

Mr N Natesa Ayyar: They feel that the passing of this Bill means the signing of the death warrant of the joint Hindu family system. There is an organised movement, mostly by Arya Samajists, by Theosophists, by the promoters of social reform movements and by the promoters of self-respect movements, and above all, by that amphibious

section of Indian humanity which is neither Eastern nor Western, neither Indian nor European but a strange combination of all that is bad in both, and which contains nothing that is good in either The attempt has been made by a number of bodies of this kind to wreck the joint family system and put an end to all the *varna* laws, the *ashrama* laws, and the *varnashrama* system To some extent I have no quarrel with these bodies They fight this battle in open daylight , they give us a fair battle But what does this Bill propose to do ? In the shape of defining the law relating to the gains of learning, it indirectly strikes at the joint family system and wants to put an end altogether to the joint family system

Sir Hari Singh Gour . How ?

Mr. N Natesa Ayyar I shall answer presently My Honourable friend mentioned that instead of disrupting the joint family, it tends to the preservation of the family One reason further mentioned by him was that it is equitable and fair that the acquirer ought to have the benefit of the thing acquired by him The fundamental fallacy that lies underneath this proposition is this , it takes no note of the fact that the Bill prevents an individual from making any acquisition whatsoever Whereas the Bill is anxious to preserve to the acquirer the golden eggs which he hopes to acquire, the effect is to prevent the individual from acquiring those golden eggs at all I shall explain the position in this way A father, an elder brother, or the manager of a joint Hindu family has now a very good incentive to send the sons or wards to England or to equip them in every department of knowledge The incentive is that, as a result of the education imparted at the family expense the boy returns fully equipped He is a source of profit to the family It is this selfish interest—and human actions cannot be free from this kind of vanity and selfishness—which gives an incentive to the manager of the family to equip the junior members of the family with higher education This incentive will, if the Bill becomes law, be irretrievably gone and gone for ever , and the result will be that, within two decades of the working of this Act, you will not be able to find one Hindu in a position to go to schools or colleges for higher education I respectfully place before you for the consideration of this House this salient feature which has been completely lost sight of I will ask Mr Jayakar, if this law had been passed 35 years ago, would he have been able to appear in this Assembly in the capacity in which he now appears here ? I doubt very much whether 50 per cent of the Members who are now figuring as Members of the Assembly would have been able to appear here and to place before this House matters which they are now representing It is because this law did not exist, it is because the fathers and managers of families were fully cognisant of the benefits of the joint Hindu family law by which they were themselves governed that they were sending their boys for higher education, and we are now what we are I therefore put this matter forward preeminently for the consideration of the Assembly as an element which it has to take into consideration before giving its verdict upon this Bill

There is one other aspect of the case It was represented by the Honourable the Mover that there would be hardship in shutting out the

[Mr N Natesa Ayyar]

benefits of the acquisition from the acquirer's widow, in case he happened to die without making any arrangements for the benefit of the widow My answer to that is this I shall assume that it is a hardship But suppose there is an unchaste wife, suppose there are daughters by a pre-deceased wife, who will get this property in the absence of the son ' Why should the daughters be disregarded '

Sir Hari Singh Gour : Who should get it according to you ?

Mr N Natesa Ayyar . I will answer it The spirit of the Hindu law is that the joint family should get it Why should you break away from that law ? What is the extraordinary circumstance which compels us to say that the stranger who has come into the family—the widow—should get it rather than the devoted father, brother and the other members of the family who would otherwise get it ? What is the special reason which moves the mind of the Honourable the Mover of the Bill ?

Dr Nand Lal It is regrettable that the widow, who is the queen of the house, should be considered as a stranger

Mr N. Natesa Ayyar ' Certainly she is a stranger The moment she comes into the family she may become a member of the family, but as between the coparceners and the issueless widow, certainly the widow is a stranger, and the remedy regarding this matter lies in the hands of the acquirer himself At any moment he can separate himself from the joint family—a piece of paper will do for the purpose and no registration is necessary—and he may declare that he is a separated member and from that moment all the property that he acquires will become his self-acquired property, and the widow will get it From that moment all his acquisitions become his separate property One reason which was painted in lurid colours by the Honourable the Mover of the Bill was that there are many difficulties confronting judicial tribunals in determining the question whether a particular acquisition is self-acquisition, the gains of learning, or the result of ordinary education What is the remedy for this state of things ' Is it not flying directly against the principles of Hindu law ' The Hindu law says that the gains of learning are not partible if they are not acquired to the detriment of the family estate The judicial tribunals feel extreme difficulty in determining the question what are the gains of learning and what are not the gains of learning Well the simple solution for this is to define what is meant by gains of learning

Sir Hari Singh Gour . That is just what he has done

Mr N Natesa Ayyar Not by saying that, whatever is acquired as the result of education is his self-acquisition and must go to the individual acquiring it

Sir Hari Singh Gour . That follows from it

Mr N Natesa Ayyar That will not follow If you define the term and say what " gains of learning " means, then the judicial tribunals will experience no difficulty whatsoever in giving their verdict as to whether a particular acquisition is or is not the result of learning , but instead of so doing that, what this Bill attempts to do is, whether

the acquisition is the result of learning or the result of ordinary industry, to provide that in all cases alike it ought to go to the hand of the acquirer. This is what the Hindu law directly says ought not to be done The Hindu law says that it is only the gains of learning not acquired to the detriment of the family that alone should be partible, but the proposed Bill will say that all acquisitions, however made will be the property of the acquirer This is flying directly in the face of Hindu law, it is abrogating the Hindu law it is shaking the foundations of Hindu law, for which there is absolutely no justification I herefore say that this Bill ought not to be rushed through, I do not want that this matter ought not to be considered in all its aspects It s said that this Bill has been before the public for nearly one year I must confess that though I am in the profession, I have not had knowledge of the Bill until three or four months back Do you expect the many millions inhabiting the Southern Presidency to have knowledge of this Bill? I know for certain that the vast majority of people there do not know of the Bill Why then should you rush it through at this last stage of the House? Why should not the ordinary practice of circulating the Bill for public opinion be had recourse to in this case as in other cases? We have had the benefit of a Committee of five, they say simply that they approve of the principle of the Bill, they do not enter into any elaborate discussion of the scope or principles of the Bill, and it has been reserved to one member, a dissenting member, Mr Kelkar, to say that the Bill is defective at least in one respect Should not that matter be considered? Why should a family be deprived of the money which it has spent upon a particular individual?

Sir Hari Singh Gour. Did he earn that money as gains of learning?

Mr. N Natesa Ayyar There is a fallacy here again on the part of the Mover of the Bill He put forward a statement before this Assembly that the ordinary Hindu law is that, when a partition is made, the person who has had the benefit of the education cannot be called upon to reimburse the family to the extent of the expenses which had been incurred on his behalf I think that is only partially correct When the partition takes place, the property he has already acquired must be brought into the family chest I believe that the House will be able to see the fallacy It is true that when an account is taken, the member on whose behalf expense has been incurred will not be called upon to reimburse the sum that has been expended on his behalf, but what is the reason? The reason is that the property he has acquired as a result of that expenditure will also be brought into the common chest and will be divided, but when you deny one thing, you ought not to deny the other If you deny the right of the family to participate in the benefit of the acquisitions that have been made, you ought not to deny the right of the family to have the expenses reimbursed. That aspect of the case has also to be considered by the Assembly

On the whole, it is my respectful submission that this Bill has not reached a stage at which it can be rushed through in the Assembly without further consideration There are very many persons who are entitled to speak authoritatively on this point, and it is absolutely necessary that the Bill should be circulated for obtaining the opinions of those who are entitled to give their opinion

Mr T N Ramakrishna Reddi (Madras ceded Districts and Chittor Non Muhammadan Rural) Mr President, at this stage of the discussion, it is not my purpose to enter into the labyrinth of learned and at the same time very interesting disquisitions on Hindu law as was done by the previous two Honourable Members, nor to attempt at reconciliation of the conflict of some sections in the Evidence Act with some provisions of this Bill, which my Honourable friend Dr Gour thought might come about if this Bill was passed into Law If there are any such conflicts, it is for those Honourable Members to bring in amending Bills to remove such defects But Sir, I am glad to find unanimity of opinion among Members in this House, including the Honourable and learned Member, Dr Gour in favour of this Bill As far as I can see there are only two discordant notes sounded against this Bill

Mr M K Acharya Many more in the country

Mr T N Ramakrishna Reddi : As far as I can see, there are only two discordant notes, one of the Honourable Members who opposed this Bill did so on grounds of orthodoxy, another Honourable Member opposed the Bill on the grounds of legality as well as orthodoxy I do not see there are any valid grounds for opposing this Bill on the ground of orthodoxy The Honourable Member, who is a Sanatana Dharmist might remember that there were two Sanatana Dharma conferences held after the Bill was introduced in this Assembly One was at Madras and it was presided over by no less a person than Mr V V Srinivasa Ayyangar, who had adorned the High Court Bench of Madras for two years, and who is still considered as an eminent Hindu lawyer He was a Sanatanist and President of the Sanatana Dharma Sabha, but he never raised any objection with regard to this Bill though it was before the country at that time

An Honourable Member No, it was not

Mr T N Ramakrishna Reddi : The Honourable Member, who now wants to interrupt me, did not raise his little finger in the Sabha against the Bill

Mr N Natesa Ayyar It was not one of the subjects brought forward before the Conference

Mr T N. Ramakrishna Reddi : That was the proper place for the Sanatana Dharmists to ventilate their grievances, if any, against this Bill The Conference was a representative conference and that was the proper place

Then the Honourable Member said that orthodox Hindus are always opposed to any deviation from the Hindu law Well, Sir, any lawyer, and much more so the eminent lawyer who preceded me, well knows how the High Courts have been interpreting Hindu law very liberally from time to time, and especially during the time of the late Justice Seshagiri Ayyar and that great social reformer the late Justice Sadasiva Iyer The veriest tyro in the field of law will find that women have gained a lot of privileges under the decisions of the High Courts—for instance, according to the Hindu law texts to which my Honourable friend who preceded me wants to cling, a woman cannot hold any property at all absolutely But that has been toned down by subsequent judgments of

the High Courts, so much so that at present a woman can hold property as her own, just as much as any male member of the family, and with regard to many other points of Hindu law the High Courts have given very liberal interpretations and there were absolutely no objections raised against those decisions I support the Bill on various grounds, one of them being that it has been fully considered by the Select Committee composed of eminent lawyers and business men and this has come out of the Select Committee unscathed Even Mr Kelkar did not oppose the Bill, he simply said that on equitable grounds another clause must be added, that the acquirer should reimburse the money which had been spent on his education That does not mean that he is opposed to the principle of the Bill It is the business of the father, it is his duty, to spend money on the education of his children In the eyes of the father there is no distinction between one child and another And nobody will expect, much less the father, that his son should pay back the money to the family Then, Sir, I support this Bill on other grounds also For instance, take the illustration pointed out by the Honourable the Mover A man happens to earn a lot of money as a lawyer or as a doctor in a city and lives a very decent life More often his parents and other relations might be living in a village leading a villager's life Suppose the man, who lives in the city all his life and earns money, happens to die On his death his wife has to go to the village, though she has all along been living a decent life in the town, and obey the dictates and commands of the women of the house in the village, otherwise she will be sent out And is the fate of this poor widow and her female children to depend upon the whims and caprices of the women at home in the village? Then again, Sir, even the High Courts have in recent cases decided that the gains of learning should belong to the acquirer even if he received a general education—it may be B A or M A—unless it is a special education The distinction is made only with regard to special education Sir, it is very difficult to make a distinction between general education and technical or special education in all cases and so, in order to remove all these defects, this Bill has been introduced, and I have no doubt that every progressive Member of this House and every lover of this country will support this measure

The Honourable Sir Brojendra Mitter (Law Member) Sir, the question before the House at the present moment is the amendment for circulation, and I shall briefly state the Government attitude in this matter Sir, in February last when the motion of my Honourable and learned friend Mr Jayakar, for a reference to Select Committee was before the House, I said this

"The Bill deals with secular rights and no religious principle is involved in it As the general sense of the Hindu Members of the House is in favour of the principle of the Bill, Government will not stand in the way The attitude which Government take up in the matter is one of neutrality and they leave it to the Hindu Members to shape the Bill in manner best suited to the conditions"

That was our attitude when the Bill was sent to the Select Committee, and the House approved the principle of the Bill. Now, the Bill has been considered in the Select Committee and a Report has been made Our position with regard to circulation is this If we

[Sir Brojendra Mitter]

were convinced that there was a general feeling against this Bill, or if we were convinced that the Bill had got any of the mischievous tendencies which my friend Mr Acharya mentioned, then, Government would certainly have supported the motion for circulation

Mr. M K Acharya : How do you know it except by circulation ?

The Honourable Sir Brojendra Mitter : If we were convinced of it, we would certainly have supported the motion for circulation Sir, the Bill has been before the country for several months It has been said that the vast millions do not know anything of the Bill Even if the Bill were before the country for ten years, those vast millions would never have known of it, and even if they had known of it, not even a microscopic minority of those vast millions would have understood the implications of the Bill This is not a layman's Bill A layman would not understand what the law is, how the law has been from time to time interpreted by the courts and what changes are necessary That is not a matter for the masses This is a matter entirely for lawyers This is a lawyer's Bill Therefore, the plea that the general public have not had an opportunity of expressing their views on the Bill, I submit, is not valid

Mr M K Acharya Have the electors, who have sent us here, no right to say what they think of the Bill ?

The Honourable Sir Brojendra Mitter . The electors have got every right to say whatever they choose on any measure before the Legislature, but the question is the competence of the people to talk on a measure like this Are the general masses competent to talk on a measure like this, or are they competent to form any judgment on a measure like this ? It is only lawyers who can form a judgment

Mr Gaya Prasad Singh (Muzaffarpur *cum* Champaran Non-Muhammadan) Sir, does not this Bill seek to change the course of succession of property ?

Sir Hari Singh Gour : No, it does not

The Honourable Sir Brojendra Mitter I am coming to it presently. What I say is this, that if Government were convinced that this Bill had any of the michievous tendencies which have been referred to in the course of the debate, certainly Government would have supported the motion for circulation Now, what are the mischievous tendencies which have been mentioned ? The first is, that it tends to disrupt the joint family Sir, we are not convinced that the Bill has got that tendency

Rao Bahadur D R Patil (Bombay Central Division Non-Muhammadan Rural) You have not heard all the Members , how are you convinced then ?

The Honourable Sir Brojendra Mitter . The first alleged mischievous tendency is the disruption of the joint family Sir, we are not convinced that the Bill has that tendency It has been pointed out by a number of Members that it has just the opposite tendency Not only does it not mean disintegration of the joint family, but it means, if it

means anything at all, consolidation of the joint family. That is the view which Government take

The second mischievous tendency which has been mentioned is that it offends in some way Hindu Dharma Sir, Government take the view that no principle of Dharma is involved in this Bill It is a purely secular measure, and therefore Hindu Dharma does not come in at all

The third mischievous tendency which has been referred to by the last speaker is that, if this Bill be passed, then Hindu parents would be disinclined to spend money for the education of their children Sir, speaking as a Hindu, I say this, that it is a gross libel on Hindu parents Hindu parents will continue to educate their children even though such a step involves the greatest sacrifice Hindu parents do not educate their children in the expectation of a monetary return out of the acquisition of those children They educate their children in discharge of their parental duty, out of love and affection These are the three mischievous tendencies referred to On none of them are the Government convinced That being so, Sir, Government cannot support the motion for circulation The Bill has been before the country for several months and Government have not received any protest either from any Hindu Association or from any person competent to express an opinion on the measure

Mr M K Acharya Because Government have not asked them

Mr N G Ranga (East Godavari and West Godavari *cum* Kistna Non-Muhammadan Rural) It is the business of the public to express their view

The Honourable Sir Brojendra Mitter In view of the opinion expressed in this House in February, and in view of the general sense among the Hindu Members in support of the Bill, Government feel that no useful purpose will be served by circulating the Bill for further opinions Sir Government are not in a position to support the motion for circulation

Several Honourable Members Let the question be now put

Mr President . The question is that the question be now put.

The motion was adopted

Mr President : The original motion was .

" That the Bill to declare gains of learning by a Hindu to be his separate property, as reported by the Select Committee, be taken into consideration "

Since which the following amendment has been moved :

" That the Bill, as reported by the Select Committee, be circulated for the purpose of eliciting opinions thereon "

The question that I have to put is that that amendment be made.

The motion was negatived.

Mr President The question I have to put is ,

" That the Bill, to declare gains of learning by a Hindu to be his separate property, as reported by the Select Committee, be taken into consideration "

The motion was adopted.

Clause 2 was added to the Bill

Mr President. Clause 3.

Mr M K Acharya (*Cries of* "Withdraw") I beg to move that at the end of clause 3 the following be added

"Provided however that where a person's learning has been imparted to him out of the joint funds of his family, he shall be liable to repay to those joint funds the full amount spent upon his learning"

Sir, I am one of those who always feel.

Sir Hari Singh Gour I rise to a point of order Under Standing Order 46, printed at page 113 of the Assembly Manual, notice of an amendment should have been given not less than two clear days before the date on which the Bill is to be considered, and if it is not so given, any Member may object to the moving of the amendment and such objection *shall* prevail, unless the President, in the exercise of his power to suspend this Standing Order, allows the amendment to be moved I never got notice of this amendment and I do not think that any other Honourable Member got two clear days' notice of this amendment Sir, I object to the moving of this amendment

Mr President I understand that notice of the amendment was received on the 12th and it was printed and circulated before two clear days from to-day Therefore, the amendment is in order

Mr M K Acharya Thank you, Sir I am sorry that, even when Members are sure of their votes, they must try to get advantage by subterfuges by having resort to rules and Standing Orders I am very glad that you are here to vindicate the rights of humble Members like me Now, Sir, I will just say this As the House wants to show to me what their general feeling is towards this amendment, I would submit most respectfully to you and to others that I am here to do my very humble duty, and I will beg of you and others to allow me to do it whatever may be the consequences I am one of those who believe

"They are slaves who dare not be in the right with two or three"

What does it matter? The great majority here are against me in this amendment, but I am here to do my humble duty, and my humble duty I will do (*An Honourable Member* "This is not the first occasion") No, this is not the first occasion certainly when I do my duty The amend-

4 P M ment that I want to move is that at the end of clause 3 the following be added

"Provided however that where a person's learning has been imparted to him out of the joint funds of his family, he shall be liable to repay to those joint funds the full amount spent upon his learning"

I am ready to admit that, if I had more time at my disposal to consult my lawyer friends, I might have been able to draft this much better Our minds were engrossed with other things and that was in fact my argument this morning I was greatly impressed by the argument of Mr. Kelkar contained in his minute of dissent

Mr President Why did you put in your amendment without consulting your lawyer friends ?

Mr M K Acharya Because I had no time and I was afraid that they would ask me for their fees I saw this note of Mr Kelkar which was put into my hands only last week After studying it—I thought my intelligent friends would easily follow me—I sent in notice of this amendment, and however, imperfect it may be, I want to have it recorded, because hereafter when the provisions of this Bill come up again, somebody may bring in a better Bill Now, two or three objections have been taken, some of which appear to me to be frivolous One of them was that, even under the present law, there is no obligation to pay back to the family what is spent upon general education, and therefore why should we create an obligation in the new Bill, which is not already in the existing law ? I thought the new Bill was meant to improve the existing law in certain respects. I thought that the Honourable Mr Javakar wanted to improve the present law with regard to gains of learning, and it should be open to him to allow others also to improve the existing law However, it is doubtful, as my friend Mr Natesa Ayyar has just said, whether in the existing law there is any provision at all of some kind or other with regard to the family claim on the gains of learning Another reason was put forward by the learned Knight from Nagpur that there is nothing in Christian or Muhammadan law to the effect that the father must be paid back the cost of the education of his son, and that therefore there should be nothing in the Hindu law Even supposing, for the sake of argument, that there is nothing in Christian or Muhammadan or Jewish or Parsi law, I cannot see the force of the argument that there should be nothing provided in the Hindu law I do not exactly understand the logic of this at all You can as well say that, if men of other creeds do not put any mark on their forehead in memory of God's name, therefore I should not put any on my forehead I do not understand that analogy If such a provision does not exist in other systems of law, probably they do not require it I cannot understand the force of the logic that merely because such a provision does not exist in other systems of law, therefore there should be no provision in the Hindu law The Hindu law is wholly different from other systems. The argument of the Honourable the Law Member was a little more satisfactory—that the father does his duty to his son because he wants his son to be great and happy in future, irrespective of any return Certainly the Hindu *dharma* is very much more comprehensive, and let me here respectfully submit to the Honourable the Law Member that that term "*dharma*" does not mean the English word "religion"

The Honourable Sir Brojendra Mitter The meaning of the word "*dharma*" is duty and when I spoke of "*dharma*" I used the word in that sense

Mr M. K. Acharya : That is a side question into which we need not enter now. "*Dharma*" means a lot of things—the whole cyclopedia of right life. It cannot be expressed by the word "duty" or any other word That is by the way After all a father does his best towards his son, irrespective of any return. Similarly a son is expected to do his best towards his father There may be an ungrateful son who does not do his duty by those who spent money on his education. There may be a wicked husband, who is encouraged by the law to transfer all his gains of learning to his wife These are various aspects of this question, but they do not represent the legal aspect... .

Mr President Order, order. I hope the Honourable Member will kindly realise that this is the last day when non-official Bills will be discussed in this House This is the last day allotted during this Session when non-official Members will do the work of legislation. Therefore I trust the Honourable Member will be good enough to restrict his speech only to the point at issue His speech ought to be relevant and he should restrict himself to the point at issue.

Mr M K. Acharya I bow to your wishes ; but I am not responsible for this debate at all , it has been thrust upon me Now, Sir, my argument is simply this There may not be an obligation on the part of the son to repay the amount to the family in the legal sense , but I think it is the moral duty of every son to pay back to his father or other members of the joint family the sum which has been spent upon his education from the funds of the joint family.

Lastly, I believe Mr Jayakar asked, who is to find out how much was spent upon the education and how much should be paid back ? And he said that the widow, long afterwards, would be put to the trouble of proving whether the education was received out of family funds or was not received out of family funds Sir, I am not a lawyer, but I should have thought that the burden of the proof would be upon those who claim If a member of the family claims that some of the money in question should go back to the family, I think the burden of proof would not be upon the widow but upon those who put forward this claim, and I should have thought the onus would not lie on her to show that the gains of learning in question were acquired in this way or that way However, that is for the lawyers to say I personally do not think this a sound argument, as I should have thought that the proof would have to come from those who claim In any case, I submit the least that we can do is, while agreeing to this Bill to insert a provision however imperfect—and Sir Hari Singh Gour has shown that the Bill would have been better if further amended in some ways—that " where a person's learning has been imparted to him out of the joint funds of his family, he shall be liable to repay to those joint funds the full amount spent upon his learning " Sir, a man whose parents or guardians spent all the family property on educating him is under some obligation and may even be called upon in a court of law to pay some of the expenditure back That is all I want to say and therefore I move my amendment It does not matter to me whether it is going to be accepted or not, but I must do my duty and move amendment

Mr President . Mr Jayakar.

Mr. N Natesa Ayyar : Sir, I crave only a few minutes in order to support the amendment The only aspect which I wish to place before this Assembly is the legal aspect My Honourable friend, Mr Acharya, said that it is a moral obligation. I say it is not only a moral obligation but it is a legal obligation as well The legal aspect of the case is the common sense aspect Law is but the quintessence of common sense, and common sense requires that any expense incurred under this head ought to be reimbursed to the family The father or the manager of a property, whoever he may be, when he spends money on a particular member of the family, does so as a trustee for the family. He cannot embark upon an enterprise which will not be for the benefit of the family. If therefore a particular sum is to be spent on a particular member of a family.

the manager of the family or the father will be guilty of a gross dereliction of duty and of a gross breach of trust if he does not limit the expenditure within the safeguards which have been provided by law "Therefore, when a particular member of a family acquires higher education and is sent to England or any other place for the purpose of special study the father or the manager of the family hopes, not for his own personal interest, but in the interests of the family, that a corresponding return to the family for the monies spent out of the family fund will be made Therefore it is not only a moral obligation, but it is a legal obligation which he owes to the family which has incurred the expense. A member of a joint family, who has been educated at the joint family expense, should be under an obligation to repay it, and inasmuch as this is a matter relating to a trust which has been imposed on the father, there is absolutely no period of limitation for his claim When the time of accounting comes, when the members of the family are to give an account of the various monies received, then comes the time for taking the accounts, and then you will have a proper account of the proper amount which is to be payable by one member or other of a joint family Therefore I heartily support the amendment of my Honourable friend, Mr Acharya

Mr M R Jayakar Sir, I oppose this amendment (Hear, hear,) and I shall deal with it in just a few words because there are a number of other Bills, and as the Honourable the President has remarked, this is our last day for going through non-official Bills Sir, this amendment is absolutely ill-considered, as Mr Acharya himself admitted (*Mr M K Acharya* : "No, no") If Sir, the Honourable Members will turn to this amendment, which reads

"Provided however that where a person's learning has been imparted to him out of the joint funds of his family, he shall be liable to repay the full amount spent upon his learning",

and if they will then turn to the definition of the word "learning", that is

"education, whether elementary, technical, scientific, special or general, and training of every kind which is usually intended to enable a person to pursue any trade, industry, profession or avocation in life",

they will see the absurdity of this amendment Of course one can forgive Mr Acharya because he is not a lawyer, but I am surprised that my lawyer friend Mr Natesa Ayyar should not have seen the absurdity of Mr Acharya's amendment If we accept this amendment, Sir, the result of that will be that the present law will be made even stricter, and the acquisitions of any learning, however, elementary and general it may be, will be regarded as joint family property and will have to be repaid back That means that the present law will be made narrower than it is at present As Mr Acharya himself has admitted, this amendment is most ill-considered and I oppose it.

Mr Gaya Prasad Singh : It is mischievous

Mr. President : The question is that at the end of clause 3 the following be added :

"Provided however that where a person's learning has been imparted to him out of the joint funds of his family, he shall be liable to repay to those joint funds the full amount spent upon his learning"

The motion was negatived

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

Mr M R Jayakar Sir, I move that the Bill be passed

Mr. M K. Acharya : Sir, I object to the passing of the Bill

Mr President The question is that the Bill be passed

The motion was adopted

THE AJMER-MERWARA COURT-FEES (AMENDMENT) BILL

Rai Sahib Harbilas Sarda (Ajmer-Merwara General) Sir I rise to move that the Bill further to amend the Court-fees Act, 1870, for a certain purpose, as reported by the Select Committee be taken into consideration This Bill is a simple measure and its applicability is confined to Ajmer-Merwara The Bill aims at reducing the burden of court-fees on widows If this Bill is passed into law, widows suing for maintenance will have to pay a lesser amount of court fees on their plaints than under the present Court fees Act It is entirely a question of revenue, and the Bill is non-contention The Local Government have accepted the Bill, and the Government of India are in complete agreement with the terms of the amending Bill I therefore move that the Bill be taken into consideration

Mr C W Gwynne (Home Department Nominated Official) Sir, I only wish to say that, as was explained at Delhi when the motion for reference to Select Committee was passed Government have no objection to this Bill They are very friendly to it, and support it now that the necessary drafting amendments have been made

Mr President The question is

"That the Bill further to amend the Court fees Act, 1870, for a certain purpose, as reported by the Select Committee, 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

Rai Sahib Harbilas Sarda Sir, I move that the Bill be passed

Mr President The question is

"That the Bill further to amend the Court fees Act, 1870, for a certain purpose, as reported by the Select Committee, be passed"

The motion was adopted

THE MUSSALMAN WAKF VALIDATING (AMENDMENT) BILL

Mr A H Ghuznavi (Dacca Division Muhammadan Rural) : Sir, I beg to move that the Bill to amend the Mussalman Wakf Validating Act, 1913, as reported by the Select Committee, be taken into consideration. Sir, this short Bill was introduced to give retrospective effect to the Mussalman Wakf Validating Act, 1913, which my Honourable friend

Mr Jinnah introduced in the old Imperial Council, and that Act has been in operation already for the last 17 years. In my Statement of Objects and Reasons I have fully explained why this Bill is required. The Mussalman Wakf Validating Act aimed at restoring the Mussalman Wakf law as it was understood and applied by the courts before Their Lordships in the Privy Council overruled their decisions and declared Wakfs in favour of one's family (Wakf ala'l-Aulad) as illusory and obnoxious to the rule against perpetuity There is no room for doubt that this Validating Act of 1913 was never intended to be prospective, but being declaratory Act—an Act declaratory to the existing personal law of the Mussalmans—it was evidently retrospective But in a number of cases—and I have cited only a few in my statement of Objects and Reasons—the High Courts of India have held that this Act is prospective and not retrospective, and the wakfs and endowments in favour of one's family or descendants (Aulad) executed prior to the enactment of this law thus stand excluded from the purview of the Wakf Validating Act of 1913 It is to include these wakfs and endowments within the purview of this Act and save many a respectable family from utter ruin that this Bill has been brought in Sir, if this Act validates wakfs in favour of one's family, children and descendants (Aulad) created after its enactment, why similar wakfs and endowments created before this Act was passed should be deprived of its protection passes one's comprehension They certainly do not merit this penalty, and it is only just and fair that retrospective effect should be given to the Wakf Validating Act of 1913 The Select Committee, after giving it its careful consideration has amended the Bill Honourable Members will observe that the sole object of the Bill is to give retrospective effect to the Act of 1913 Although the Bill has emerged from the Select Committee in the form of a distinct, independent Bill and not as an amending Bill, that object has not been lost sight of Only the scope of the Bill has been narrowed by the introduction of a proviso to save vested rights as far as possible

Sir, I move that the Bill, as amended, be taken into consideration

The motion was adopted

Clause 2 was added to the Bill

Mr President : The question is that clause 1 stand part of the Bill

Rai Bahadur S C Dutta (Surma Valley *cum* Shillong : Non-Muhammadan) Sir, I move

"That clause 1 be re-numbered as clause 1 (*1*) and the following new sub-clause be inserted

'(*2*) It shall come into operation on the 1st August 1931'"

Sir, I wish to begin by explaining how it is that I, a non-Muhammadan, should take an interest in this matter which may be considered forbidden ground for me I should explain at once that, when I was elected a Member of this Assembly in January last, some Mussalman gentlemen of my district approached me and said that they were opposed to the principles of a retrospective Bill of this kind and that their vested interests would suffer by its passage They also said that there were several wakfs that sought to alter the law of succession according to the Muhammadan law In fact, I was myself from the very beginning opposed to the principle of retrospective law, but at that time I gave

[Rai Bahadur S C Dutta.]

them only this promise that I would look into this matter when it came up before the Assembly When I got the text of the Bill, as amended by the Select Committee, I found that the scope of the Bill was much restricted by the proviso which was added to this Bill. I found that the proviso really limited the scope of the Bill to a single class and I wondered why a law of this kind, restricting the operation of the Bill to only wakfs in respect of a very limited class of people should be passed at all But then I considered that at least if the law was to be passed, those persons whose vested interests were affected by the Bill should be given some further measure of protection I thought that some further time should be given to those who might protect their vested interests within the year The Bill does not protect all vested interests

Mr A H Ghuznavi : It does

Rai Bahadur S C Dutta : I shall presently show that it does not It protects all vested interests that were acquired after the creation of the wakf

Dr Nand Lal : (West Punjab Non-Muhammadan) Kindly see that it says "already acquired" That demolishes your argument

Rai Bahadur S C Dutta No, it does not The proviso will show this The proviso runs thus

"Provided that nothing herein contained shall be deemed in any way to affect any right, title, obligation or liability already acquired, accrued or incurred before the commencement of this Act"

Now, what is the meaning of acquisition ? Acquisition means that the right that was not existing before was acquired subsequently, that is, acquired subsequent to the creation of the wakf Well then what is acquired ? This proviso does not save the original owner who created the wakf, if he be living now It protects all acquisitions, it protects acquisition by purchase, by grant, by gift and also by will or by right of inheritance Inheritance is also acquisition. Right accrues or is acquired thereby Supposing a person creates an invalid wakf and then he dies His heirs get the property That is also a kind of acquisition, if, when the wakf is created, it is invalid We are under this Bill validating wakfs that are invalid If they are invalid, the property remains in the hands of the person who created the wakf as his own property As soon he dies, the property passes into the hands of his heirs They acquire it and that right is protected by this proviso The rights of heirs who get this property by right of inheritance are protected by this proviso. Then where does the operation of the Act end ? Only in the case of those wakfs whose owners have not yet died. It is limited to this particular class of persons That is, this validating Act would confine its operation to those wakfs, the creators of which are still alive and whose rights have not been protected by the proviso, as they cannot be said to have acquired any right That is the sense of the proviso I also gather from this proviso that it protects the rights of heirs This is also clear from this that in this Bill, as it has emerged from the Select Committee, there is no proviso to protect pending litigation. If it was intended to affect the rights of heirs, there should have been such a provision.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) Pending litigation is protected by the General Clauses Act

Dr. Nand Lal : There is a special Act for that.

Rai Bahadur S C Dutta : But it is clear from my point of view, that it protects all rights, except rights that are in the hands of the original owner who created the wakf and who is alive That being so, I should remind the House that he has also a vested right

Dr. A Suhrawardy (Burdwan and Presidency Divisions Muhammadan Rural) : What is vested right ?

Rai Bahadur S C Dutta : Vested right is not future right, nor contingent right, but it is existing right I would like to remind the House that we are contemplating to validate wakfs which are in their inception, according to Muhammadan law, invalid That being so, there has been no valid wakf There has been no dedication to God , so that the right remains in the hands of the person who created the wakf, so that that will be his vested right, and that is the only vested right that is affected by this Bill, as he has not acquired any right afresh and is outside the scope of the protection of the proviso Considering the limited scope of this Bill, I should say, that while a man may have created a wakf which is invalid according to the Muhammadan law

Dr A Suhrawardy : Not according to the Muhammadan law

Rai Bahadur S C Dutta . According to the Muhammadan law as interpreted by the highest tribunal Otherwise there is no necessity for this Bill

Sir Hari Singh Gour : This Bill is intended to make the Validating Act of 1913 retrospective, and it safeguards every right

Rai Bahadur S. C Dutta : It does not safeguard all rights , I want additional safeguards I say these are the persons who created certain wakfs, which are to be deemed invalid according to Muhammadan law as interpreted by the Privy Council Well then, suppose they were advised that the wakf was invalid, and subsequently, though they created it, they were treating the property as their own

Sir Hari Singh Gour : There is the proviso.

Rai Bahadur S C Dutta . That proviso does not cover this case It does not cover the case as the original owner does not acquire it His right remains as it was before

Maulvi Abdul Matin Chowdhury (Assam Muhammadan) : Is the Honourable Member in order in discussing this question of vested righ on the amendment before this House ?

Rai Bahadur S. C. Dutta : I am in order as my amendment aims to give protection to those whose vested rights are going to be affected

An Honourable Member : This is a matter which concerns Mussalmans, why should Honourable Member waste time over it ?

Rai Bahadur S. C. Dutta : It does affect the district from which I come, in which the majority of the people are Muhammadans. It therefore concerns me as well. It is within the scope of my duty. If I have a right, I ought to discharge my duty according to my conscience.

[Rai Bahadur S C Dutta.]

say, Sir, take the case of a man who created a wakf He was subsequently advised that it was invalid Well then, he says, "I should hereafter treat it as my own property and no further deed is necessary" I say that you should give that man another opportunity so that he might create a deed and settle all disputes with a view to avoid all future litigation about the property

Mr President : How does your amendment help him ?

Rai Bahadur S. C Dutta : By giving him more time

Sir Hari Singh Gour How ?

Rai Bahadur S. C Dutta : The former deed by which he created the wakf was invalid and this amendment will give him one year's time so that he may create another wakf deed of a different import If he wanted to maintain the same wakf, there would be no difficulty, but he may have changed his mind and may want the property to go to his heirs In that case, as this is going to be interfered with, he should get time to execute a deed setting aside the previous wakf This would be effective and the Muhammadan law allows it

Sir Hari Singh Gour I just want to explain that this amendment is futile

Rai Bahadur S C Dutta I have not yet finished So, Sir, I think the House will consider this point, that it affects a class of persons who have certain rights and you are going to deprive them of their rights However limited this class of persons may be—they may be very few—you are going to affect their rights because according to the proviso, their rights are not protected, for they have not acquired their rights after the creation of the wakf This Bill does not protect their rights, so that an opportunity should be given to them to protect their rights in the way they are legally advised They may create another wakf Or, because they were treating the property as their own, as they were advised that the wakf already created was not valid, they must be given another opportunity to create a deed setting aside the wakf and showing their intention that it is to go to the heirs So long as the Bill was not passed, such a deed was not necessary

Mr President . Please do not repeat your arguments

Rai Bahadur S C Dutta . With these words, I move my amendment

Dr A Suhrawardy : Sir, I rise to oppose the amendment moved by my Honourable friend Mr Dutta I have tried to listen, with great attention to his arguments, but unfortunately I have failed to be impressed with the arguments advanced by him as to why the particular date 1st August, 1931, is chosen for the operation of this Bill If he had mentioned the 1st April, I might have understood why he had chosen that date But I fully sympathise with him. He has frankly confessed to us the reason why he is taking so much interest in this matter He said that he was approached, on the eve of the bye-election as a result of which he is here, by certain Mussalmans, interested in this matter and they have asked him, if not briefed him, to hold a brief for them here He has discharged that obligation and I think his friends

ought to be grateful to him But I do not see any substance in the arguments advanced by him He says that this is interference with the Muslim law of succession In that sense the Muslim law of *waqf*, the Muslim law of gift, and the Muslim law of wills, all these institutions of Muslim law may be considered as interfering with the Muslim law of succession The Muslim jurists have deliberately given this power to every Muslim There is the Muslim law of succession no doubt, but at the same time a Mussalman is given power to change the law of succession, if he so desires, by making a gift of the entire property to anybody, to the exclusion of his heirs Similarly by the law of *waqf* he can give the whole property to charity if he likes That is also an interference with the law of succession

Rai Bahadur S C Dutta : That was not my argument, but that is the effect

Dr. A. Suhrawardy : That is not my Honourable friend's argument, but that is the argument, which, if I understood my learned friend aright, was advanced to him by his Mussalman friends on the eve of the bye-election Anyway, this is not the time nor the occasion for me to dilate upon the theory and philosophy of Muslim law. The question before us is a very simple one The object of the Bill is, as it has very clearly and lucidly been explained, to give retrospective effect to the Act of 1913, and the object of the amendment is that the Bill should not come into operation immediately on its passing into law but on the 1st August, 1931 And if I understood my learned friend aright he said that the object of this is to give the founders of the *waqf* opportunities of protecting their vested interests I have failed to understand how it can do so It the *waqif* is alive, he can, if he so desires, render the *waqf* valid by again executing a *waqfnama* and if any rights have accrued up to 1930 I do not see how any injustice or inequity will be caused to any person by the Act coming into operation immediately on its passage With these words I oppose the amendment

Mr D G. Mitchell (Secretary, Legislative Department) Mr President, the attitude of Government towards this Bill is one of benevolent neutrality Government are prepared to accept the general feeling of the House and if the general feeling is in favour of this Bill we shall support it But Government are not prepared to accept any textual amendments So far as I could follow the Honourable the Mover of the amendment, he appeared to attack this Bill on two grounds The first was that the proviso had so attenuated the Bill that it was no longer worth passing I can advance no stronger argument against his own motion that the Bill should not come into operation for more than a year If the Bill is so very attenuated as the Honourable the Mover would make out, then it will surely not be worth while to postpone its operation for another 13 months. The second argument which I understood the Honourable the Mover to make was that he wished to give time to the *waqfs* to re-create their trusts There is nothing in this Bill to prevent a *waqif* from creating his trust again after the passage of the Bill if he so desires. I oppose the motion

Mr President : The question is

"That clause 1 be re-numbered as clause 1 (*1*) and the following new sub-clause be inserted :

"(*2*) It shall come into operation on the 1st August, 1931 ' ' '

The motion was negatived

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. A H. Ghuznavi : Sir, I move that the Bill be passed.

The motion was adopted.

THE HINDU WIDOWS' RIGHT OF INHERITANCE BILL

Rai Sahib Harbilas Sarda (Ajmer-Merwara General) Sir, I move that the Bill to secure a share for Hindu widows in their husbands' family property be referred to a Select Committee consisting of the Honourable the Home Member, Mr M R Jayakar, Mr. R K Shanmukham Chetty, Sir Hari Singh Gour and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be three

Sir, I know that, as this is the last day for non-official Bills this Session, even if the Select Committee is appointed, we will not be able to carry this Bill through I therefore will not take up much time in discussing the merits of the Bill I will take only two or three minutes to support this motion for Select Committee

This Bill, Sir, was ordered to be circulated by the Legislative Assembly on 21st January last The Bill has been circulated and opinions have been received. I have carefully gone through them, and I find that the majority of opinions is in favour of the principle of the Bill Of the opinions recorded, 86 are in favour and only 49 against it, while many people who were consulted offered no opinion Of course many of those who favour the Bill suggest amendments Among those who have opposed the Bill there are many who have opposed it simply because they misunderstood the provisions of the Bill For instance one or two Local Governments think that the Bill disinherits sons in favour of widows It does nothing of the kind , the sons get their shares all right along with the mother

The Honourable the Law Member, speaking in January last during the discussion of the Bill, said

> "I appreciate the object of the Bill which is to secure to the Hindu widow a share in the family property with full power of disposition The present attempt is not to elucidate what is obscure, but really a definite step towards the improvement of the widow's position in the family To that extent the Honourable the Mover has my full sympathy If the majority of the community affected by this law are in favour of this departure then certainly Government would not stand in the way."

I hope, Sir, that by assenting to this motion for Select Committee the House will be doing nothing but giving their approbation to the principle of the Bill The principle of the Bill is simply to alleviate the lot of the Hindu widow, by giving her a share in the family property The extent of the share and the nature of the share, i.e., whether it should be absolute or only in the nature of a widow's estate is not a matter of fundamental importance or vital to the Bill. That is a matter which the Select Committee may deal with. As the object of the Bill is simply

to alleviate the hard lot of the Hindu widow and give her some share in the family property, I hope the House will accept this principle of the Bill and accept my motion for reference of the Bill to Select Committee Sir, I move

Mr Amar Nath Dutt (Burdwan Division Non-Muhammadan Rural) · Sir, I oppose this motion for Select Committee, because accepting the Select Committee would be accepting the principles of the Bill Sir, we have had enough of legislation interfering with the laws of the Hindus

Dr. A Suhrawardy (Burdwan and Presidency Divisions Muhammadan Rural) · And of the Muhammadans

Mr. Amar Nath Dutt And of the Muhammadaans, as my Honourable friend says. The history of the Legislative Council in British India was formerly one of non-interference with the social customs and usages of the Hindus and Muhammadans and their laws of inheritance The first encroachment was made by my Honourable friend, Rai Sahib Harbilas Sarda, and if I am right, I think to a certain extent by my Honourable friend, Dr Gour, also Sir, the Hindu law of inheritance is a thing, not of today or yesterday, and our Rishis of old formulated laws of inheritance several centuries ago, under which we have been living without any interference even under the Muhammadan rule and though some people say unjustly that Muhammadan rule was worse than British rule, the Muhammadans never interfered with the social customs or the religious usages of the Hindus

Mr. President But this is not a Government Bill

Mr Amar Nath Dutt But it is a product of one of their pensioned officers Sir these are our new Manus and Parasaras Instead of our ancient Rishis, we have our Gours and Sardas, and probably Mr Jayakar is also an aspirant for that place

Rai Sahib Harbilas Sarda There is a saying, " If you have no case, abuse the plaintiff's attorney " On that principle apparently my Honourable friend is proceeding

Mr Amar Nath Dutt I would ask the Government to adopt the doctrine of *laissez-faire* in these matters I do not know whether they will or not The Honourable the Law Member nods and I hope I shall have his support in this matter

The Honourable Sir Brojendra Mitter (Law Member) You will.

Mr Amar Nath Dutt I hope that he will interfere as little as possible with the social customs of the orthodox Hindus He and myself are at one about many things, and I think if we were to form a society of our own we would welcome a good many laws like these , but what he and I would not like is to thrust our own views upon those orthodox Hindus who do not think with us. It may be that we are right and they are wrong, or that they are right and we are wrong , however that may be, certainly we have no right to thrust our own views on them and change the law of inheritance against their wishes In fact, if such laws are to be changed at all it should be with the unanimous voice of those who are affected by them. Therefore, I beg to oppose this motion for Select Committee because acceptance of this motion will mean acceptance of the principles of the Bill , and I declare in no unmistakable terms that this is an alien Legislature ; and my friend, Rai Sahib Harbilas Sarda, has no right to legislate for orthodox Hindus like my friend over there, Pandit Bisheshwar Prosad Bhattacharya.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran Non-Muhammadan) : Before this debate proceeds further, may I ask the Government whether they will be pleased to express their attitude on this motion ? It might be helpful to us

The Honourable Sir Brojendra Mitter A little later,

Dr Nand Lal (West Punjab Non-Muhammadan) Sir, I speak with great respect for the Honourable the Opposer of this measure, because I find he has been induced by the greatest possible respect for his own orthodox views However, I may tell him, with great deference, that he is mistaken This measure is of the greatest possible importance and of the greatest possible utility to the Hindu world There is great criticism against Hindus that they do not think much of widows and that they treat them in some cases as chattel When her husband dies, the collateral of her husband and the male heirs try to deprive the widow of her property This is a most useful measure and I, for one, will thank the author of the Bill I whole-heartedly support this measure, so far as the present request is concerned, namely, that it should be referred to a Select Committee I may further say that I very strongly oppose the view which has been set forth by so learned a lawyer as my friend the opposer

Rao Bahadur D R Patil (Bombay Central Division Non-Muhammadan Rural) Mr President, I do not accept the principle of this Bill The motives underlying the Bill are undoubtedly good, but my friend, Rai Sahib Harbilas Sarda, forgets the state of the Hindu widow in Bombay as well as elsewhere I may tell this Honourable House that generally the Hindu widow, especially among backward classes, is an illiterate woman and she is under the influence of some of her relatives and does not know always what is for her own good Under the law as it stands, she has only a limited interest The object of the Bill is to give her an absolute estate Without taking much of the time of the House, I would like to read the opinion of the Honourable Mr Jadhav from the Bombay Presidency, as it will clearly give the real state of things regarding the Hindu widow in the Bombay Presidency so far as the backward classes are concerned He says :

"The condition of the Hindu widow, as Rai Sahib Harbilas Sarda says, is indeed very deplorable After the death of her husband, as a member of a joint Hindu family she loses all rights in the family property except that of maintenance and she is completely at the mercy of her husband's relatives It is desirable to give her some independence and make provision for her comfortable life, but I do not think that I should support the Bill in its entirety, especially when the condition of Mahratta women, that is to say, the backward classes in particular who are educationally backward, is taken into consideration They are almost illiterate and do not know what is going on outside They are, as a rule, under the influence of either their father or brother or some relative who may misuse his influence to his own profit at the cost of her property In the Bombay Deccan such widows are induced and many a time duped by somebody and in this way they lose the right of enjoying their husbands' property The passing of the present Bill will make the Hindu widows wholly independent of all *Bhawoobands i.e.* husband's relatives and the joint Hindu family will be a thing of the past. As soon as a brother dies, if not before, the family will be disrupted The widow will claim her share and will either stay with her parents or somebody else ; if she is made an absolute owner in her present state of illiteracy she will soon lose her property and may have to beg for her maintenance. Until widows are educated and taught to realise the responsibilities of ownership, to invest them with absolute ownership will be to their loss They ought to be protected against themselves"

From this quotation, Sir, you will be able to see that the time has not come when an absolute estate should be invested in the Hindu widow as

proposed by the Honourable Mr. Sarda. No doubt the Hindu widows ought to be protected, but this is not the way to protect their interests We must find out some other way to improve their lot , but if we pass this Bill into law as it is, it will be a great weapon in the hands of busy bodies in rural areas to play mischief against the interests of the Hindu widow, especially, as has been clearly stated in the quotation I have just read out This Bill aims a death blow at the whole joint family system so it is really a revolution in the law of inheritance—a law which has been in force for so many years Had the Government thought it proper to amend the law, I am quite sure that they would have been the first to bring in legislation to make the necessary changes in the law of inheritance so far as the interests of the Hindu widow are concerned But as the Government did not take any steps in that direction and as the various High Courts did not make any recommendations to Government to effect the necessary change in the law of inheritance for the Hindu widow, I do not think that the time has come when this Bill should be put on the Statute-book Now, I shall merely quote the opinion of a Commissioner in my province He says clearly

5 P M

Mr President Order, order The House now stands adjourned till tomorrow at 11 o'clock

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 16th July, 1930.

LEGISLATIVE ASSEMBLY DEBATES

WEDNESDAY, 16th JULY, 1930

Vol. IV—No. 8

OFFICIAL REPORT

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1930

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LEGISLATIVE ASSEMBLY.

Wednesday, 16th July, 1930.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr President in the Chair

QUESTIONS AND ANSWERS

Refusal of Postmen in Bengal to deliver Letters to Untouchables.

171. ***Mr. S. C. Mitra** : (*a*) Will Government please state if they are aware that any postmen refused to deliver letters to untouchables in the Presidency of Bengal ?

(*b*) If the reply to part (*a*) be in the affirmative, where, when, in how many cases, and what are the castes of the addressees of those letters ?

Mr H. A. Sams : (*a*) No

(*b*) Does not arise

Mr S. C. Mitra . Will the Honourable Member please refer to the Simon Report, Volume I, page 39 lines 13 and 14, and enquire wherefrom they got this fantastic information ?

Mr H A Sams : Yes, Sir

Ownership of Salt at Dharsana.

172 ***Mr S C Mitra** (*a*) Will Government please explain why, in the Government communiqué, they declared that salt at Dharsana was not Government property, while in the latest " Report on the Administration of Salt Department of the Bombay Presidency " for the year 1928-29 at page 2, paragraph 7, it is stated " The factories at Dharsana and Chharwada at the southern end of the Gujerat Coast near Bulsar are both Government property and worked departmentally " ?

The Honourable Sir George Schuster : The salt manufactured at Dharsana is the property of the agarias or salt workers, though the works are the property of the Government These works were described as departmentally worked in the Administration Report evidently in order to distinguish them from private works and works leased out as a whole by the Government. The Department control the output and the sale price at Dharsana They also collect the price of the salt from purchasers and pay it to the agarias.

" Murabit " Paint and Varnish.

173. ***Mr. S. C. Mitra** : (*a*) Will Government please state if it is a fact that the Alipore Government Test House issued a circular letter No. 12588, dated the 16th March, 1927, to all the dealers and manufacturers

of paints and varnishes in India, asking for the supply of samples of bituminous paint for two years exposure test ?

(*b*) If so, is it a fact that bituminous paint "Murabit" of Messrs. the Murarka Paint and Varnish Works, Ltd., 137, Canning Street, Calcutta, was supplied to the Alipore Government Test House for two years' exposure test under cover of their letter No 1458, dated the 5th April, 1927 ?

(*c*) If the answer to part (*b*) be in the affirmative, will Government be pleased to state whether any record of the examination of the test was maintained in the Alipore Government Test House, if so, is it a fact that Messrs the Murarka Paint and Varnish Works, Ltd., called for a copy of such report and offered Rs 500 to the Government for a copy of such Report ?

(*d*) Is it a fact that such a copy of the Report was refused to them even after a period of two years when the exposure test was over ?

(*e*) Is it a fact that the Government purchased a sufficient quantity of bituminous paint "Murabit" from Messrs the Murarka Paint and Varnish Works, Ltd, 137, Canning Street, Calcutta, for the three years, *viz*, 1928-29, 1929-30 and 1930-31, if so, will Government be pleased to state the reasons for their such purchases ?

(*f*) Are Government prepared to give a certificate to Messrs the Murarka Paint and Varnish Works, Ltd, if not, why not ?

The Honourable Sir Joseph Bhore : (*a*), (*b*), (*c*) and (*d*) The Superintendent, Government Test House, Alipore, addressed various manufacturers and importers of Paints in India, including Messrs the Murarka Paint and Varnish Works, Ltd, Calcutta, asking them to submit standard samples of their products for test against the Indian Stores Department specifications The firms were informed that the standard samples would be registered and that the test results would constitute a permanent basis of reference when they were invited to tender for Indian Stores Department orders They were further informed that detailed results of tests on standard samples would not be communicated to them, but that they would be informed in due course whether or not their samples satisfied the respective specifications, and if they failed to do so the respect or respects in which such samples failed would also be indicated

In development of this scheme, samples of revised grades of bituminous solutions were invited in March 1927, and Messrs the Murarka Paint and Varnish Works, Ltd, among others, submitted a sample of their solution in that connection in April, 1927

A record has been maintained at the Government Test House of the examination of the samples and the general results obtained were communicated to the firms concerned, including the Murarka Paint and Varnish Works, Ltd, in terms of the arrangement under which the samples were invited The latter firm asked to be furnished with a copy of the complete report stating that they were willing to pay "a fancy price, say Rs 500, to secure the recommendatory report" They were told in reply that the sample had been examined for purely departmental purposes, that they had been informed before it was received that a detailed report would not be supplied, and that their request could not, therefore, be acceded to, in fairness to the other firms who had sent

samples at the same time and under the same conditions They were further informed that it was open to them to submit another sample and obtain a detailed test certificate on payment of the prescribed fee This they have not done up to now

(e) Over the period in question the Indian Stores Department has purchased three different makes of bituminous paints and included among these three was the Murarka Paint and Varnish Works brand 'Murabit'' Their tender for "Murabit" bituminous paint was accepted, because the price and quality were acceptable

(f) That a contract was placed with the Murarka Paint and Varnish Works for "Murabit" bituminous paint indicates that the price and quality were considered to be satisfactory In such cases where price and quality are acceptable, contracts are placed to cover current demands and the question of granting certificates does not arise The award of the contract is in itself sufficient evidence that the particular products are considered to be comparatively satisfactory

Mr S C. Mitra May I ask the Honourable Member what stands in the way of the Government Test House disclosing the result when they are prepared to pay the charges and when a test again means another two years' time ?

The Honourable Sir Joseph Bhore : My Honourable friend has evidently not listened to my reply I have pointed out that under the rules in force if this Company is prepared to pay the normal charges for such tests, the tests will be carried out and a certificate given The Company was so informed, but up to the present time the Company has not asked for a certificate under those conditions

Mr S C Mitra It seems the Honourable Member has not followed my question Does he take into consideration that it will take another two years to get the same result, while this Test House is meant only to help indigenous industries ?

The Honourable Sir Joseph Bhore : I am not aware that it will take two years

Mr S. C Mitra : Will the Honourable Member please enquire about this matter whether it will take another two years to come to a conclusion ?

The Honourable Sir Joseph Bhore : It is open to the firm in question to make representations on that basis

Tenders for White Lead

174. ***Mr. S. C. Mitra** : (a) Will Government please state if it is a fact that the Indian Stores Department called for tenders for the supply of "White Lead Dry" and "White Lead Stiff" in the Tender No. II.-6040, dated the 11th November, 1929 ?

(b) Is it a fact that Messrs the Murarka Paint and Varnish Works Ltd , quoted Rs 31 and Rs. 32 per cwt f. o. r. Calcutta for "White Lead Dry" and "White Lead Stiff", respectively ?

(c) Is it a fact that Messrs. Martin and Company, Calcutta, the Managing Agents of Messrs the Bangalore Syndicate, originally quoted

Rs 32-4-0 and Rs 34 per cwt f o r. Bangalore, respectively, for the same articles ?

(*d*) Is it a fact that the tenders were opened by Mr C A Williams of the Indian Stores Department and the respective rates mentioned above were read out in the presence of all the representatives of different firms on 20th December, 1929 ?

(*e*) Will Government be pleased to state the reasons why the lower original quotations of Messrs the Murarka Paint and Varnish Works, Ltd, were refused ?

(*f*) Is it a fact that Messrs Martin and Company, Calcutta, Managing Agents of Messrs the Bangalore Syndicate were requested by the Indian Stores Department to resubmit their tender owing to their certain omissions in their original tender, if so, will Government be pleased to state the reasons why the Indian Stores Department requested them to resubmit their tender by quoting lower rates than their original rates ?

(*g*) Is it a fact that, as per the rules for the submission of tenders a tender is liable to be rejected for any omission on the part of the tenderer, and if so, why this rule was not applied in the case of Messrs Martin and Company, Calcutta ?

(*h*) Do Government propose to enquire into the matter, if not, why not ?

(*i*) Will Government be pleased to state the number of cases in which particular individual tenderers were requested to resubmit tenders on account of certain omissions in their original tenders on the part of the tenderers since the creation of the Indian Stores Department ?

The Honourable Sir Joseph Bhore : (*a*) Yes

(*b*) The Murarka Paint and Varnish Works, Limited, quoted as follows

For *imported* white lead dry Rs 31 per cwt in 2 cwt casks
For *imported* white lead stiff Rs 32 per cwt in 56 lbs drums
The delivery terms were f o r Calcutta in both cases.

(*c*) Messrs Martin and Company, Calcutta, the Managing Agents of the Bangalore White Lead Syndicate, originally quoted as follows

For white lead dry *made in India* from Indian materials Rs 30|1|0 per cwt in 2 cwt casks
For white lead stiff *made in India* from Indian materials Rs. 34 per cwt in 56 lbs drums

The delivery terms in both cases were f o r Calcutta and not f o r Bangalore

(*d*) The tenders were opened by Mr. C A Williams and the rates read out were those mentioned at (*b*) and (*c*) above

(*e*) The reason why the rates quoted by the Murarka Paint and Varnish Works were not accepted is because theirs was not the lowest satisfactory tender Moreover, under the rules for the supply of articles required for the public service, the Chief Controller of Stores gave preference to the Indian made white lead tendered by Messrs. Martin and Company on behalf of the Bangalore White Lead Syndicate

(*f*) Messrs Martin and Company were not asked to resubmit their tender In their original tender they quoted prices f o r Calcutta, and in these prices railway freight from Bangalore to Calcutta was calculated by the firm at public tariff rates

The white lead stiff was purchased for the use of State Railways and would, therefore, be despatched at railway material rates In order, therefore, to ascertain the actual cost to Government at destination, Messrs Martin and Company were asked to quote their price f o. r. Bangalore

(*g*) The liability to rejection for omission of any tender would naturally depend upon the nature and importance of the omission The rejection of the tender submitted by Messrs Martin and Company would not have been justifiable

(*h*) The answer is in the negative and the reason is self-evident

(*i*) The Government have no information of any such cases

REPORTED WHOLESALE ARRESTS IN THE NORTH WEST FRONTIER PROVINCE.

175. ***Mr Gaya Prasad Singh** : (*a*) Has the attention of the Government been drawn to the statement of Jamiat-ul-Ulema, Hind, published in the *Tribune*, dated the 2nd July, 1930, in which it is stated that in Bannu, North West Frontier Province, " The present activities of the Jamiat-ul-Ulema have resulted in the wholesale arrests of not only volunteers but also of prominent Members Khans of the Frontier, and of influential persons Imams of Mosques who preach prohibition of liquor in accordance with the admonitions laid down by the Holy Quaran and the Holy Prophet, are also being arrested under section 40 of the Frontier Act It evidently means interference in religion Those who believe in the vitality of co-operation with Government, should take a lesson from these happenings. Even congregational prayers have been rendered impossible, for all the Imams are being arrested " ?

(*b*) Will Government be pleased to state whether Imams who preach in the mosques the prohibition of liquor are arrested and imprisoned , if so, why ; and are regular trials held in such cases ?

The Honourable Mr H. G Haig (*a*) The attention of Government has been drawn to the statement, but the allegations contained in it are not true

(*b*) Does not arise

Mr Gaya Prasad Singh : Is this statement absolutely incorrect or merely exaggerated, or may I know if any part of it is true ?

The Honourable Mr H. G Haig The reply we received from the Chief Commissioner was that the information was completely untrue

Mr. Gaya Prasad Singh : Completely untrue ?

The Honourable Mr H G Haig : I imagine that what he was mainly referring to was the allegation that Imams of mosques have been arrested and imprisoned for preaching prohibition of liquor It is entirely without foundation

REPORT OF INQUIRY INTO THE INCIDENTS AT PESHAWAR.

176 *Mr Gaya Prasad Singh : (*a*) Will Government be pleased to state when the Official Report of the Suleiman Inquiry Committee into the happenings at Peshawar is likely to be published, and what is the total cost of the inquiry ?

(*b*) Why was Pandit Madan Mohan Malaviya prevented from going to Peshawar to give relief to the distressed, and under what law ? And why was the non-official Inquiry Committee under the presidency of Mr V J Patel, not allowed to visit Peshawar ?

The Honourable Mr H G. Haig : (*a*) The Report was published on the 7th July The Chief Commissioner's calculation of the cost of the inquiry has not yet been received

(*b*) The Chief Commissioner considered that, in view of the conditions then prevailing in the province, the visit was likely to be prejudicial to peace and good Government and he accordingly took the necessary action under the North West Frontier Province Security Regulations of 1922 Similar action was taken in the case of Mr Patel's Committee for the same reason

Mr. Gaya Prasad Singh : Are Government aware that the prohibition of entry of these gentlemen into Peshawar has resulted in one-sided evidence being placed before the Suleiman Inquiry Committee, and which to some extent vitiates the conclusions at which the Committee has arrived ?

The Honourable Mr. H G. Haig : These gentlemen were not personally acquainted with the events which took place on the 23rd April, and I do not see why the prohibition of their entry into the province should have prevented those who were acquainted with the events coming forward to give evidence

Mr Gaya Prasad Singh : May I take it that this prohibition was confined only to these two gentlemen and to nobody else ?

The Honourable Mr H. G Haig : As far as I know

Mr. N. G. Ranga : In view of the fact that in that Report it is stated that some people who were slightly injured did not like to come before the Committee lest they should be charged with having something to do with the rioting, did the Government take the necessary steps to assure them that there would not be any action taken against them if they had gone before the Committee and given their evidence ?

The Honourable Mr H. G Haig : I think a definite assurance was given that nobody would be proceeded against on the basis of any evidence that he might give before that Committee

Mr. N G Ranga : Arising out of the answer given by the Honourable Member had they been assured that no action would be taken against them for their presence at the rioting, if they appeared before the Committee and gave their evidence ?

The Honourable Mr H G Haig : I think an assurance to that effect was given, but I should like to have notice of that question to be able to answer it quite positively

Dr Ziauddin Ahmad : The Honourable the Home Member said yesterday that the Report of the Suleiman Inquiry Committee would be made available to the Members of this House.

Mr President : It has been made available We got it last night

Mr K C. Neogy : I do not propose to put question No 177

†177 *

NEWSPAPERS SUPPLIED TO POLITICAL PRISONERS

178 *Mr Gaya Prasad Singh : Is it a fact that in the Punjab Jails, the *Civil and Military Gazette* is supplied to some political prisoners , the *Statesman* in Bengal and Behar and the *Times of India* in Bombay ? If so, why only these papers are supplied, and not Indian papers ?

The Honourable Mr. H. G. Haig : I would refer the Honourable Member to the reply which I gave on the 14th July to Mr. S C Mitra's question on the same subject

Mr Gaya Prasad Singh . Is it not within the power of the Government to call for a statement from the Local Governments to ascertain whether the statements contained in my question are correct or not ?

The Honourable Mr H G Haig . I think, Sir, this is essentially a matter which must be left to the discretion of the Local Governments.

DECLARATION OF THE ALL-INDIA CONGRESS COMMITTEE AS AN UNLAWFUL ASSOCIATION.

179. *Mr Gaya Prasad Singh : (*a*) Is it a fact that the Working Committee of the All-India Congress Committee was declared an unlawful association at 4 A M , on the 30th June, and Pandit Motilal Nehru and Dr. Sayed Mahmud were arrested after 5 A.M , on the same date, under section 17 (1) of the Criminal Law Amendment Act ?

(*b*) Are Government prepared to publish the correspondence that passed between them, and the Government of the United Provinces, with regard to the declaration of the Working Committee of the All-India Congress Committee as an unlawful association ?

The Honourable Mr. H. G Haig : (*a*) So far as the Government of India are aware, the facts are correctly stated

(*b*) No, Sir

CONGRESS PROPAGANDA AMONGST TRANS-BORDER TRIBES.

180. *Mr Gaya Prasad Singh : Will Government kindly state what is the evidence in support of the official statement issued by them that " it is believed that persistent propaganda among the trans-border tribes of the North West Frontier inciting them to attack British India has been instigated by Congress organisation " ?

And are Government prepared to place such materials on the table ?

The Honourable Mr H. G. Haig : The Government of India reached this view after full consideration of the information in their possession I regret that I am not prepared at present to place that information on the table.

†Not put by the questioner.

COMPENSATORY ALLOWANCE FOR POSTAL EMPLOYEES IN MADRAS CITY.

181 *Rao Bahadur P. T. Kumaraswami Chettiyar : (*a*) Will Government be pleased to state whether it is a fact that compensatory allowance is paid to postal officials in the selection grades in Calcutta and Bombay while it is denied to the similar class of employees in Madras City ?

(*b*) Is it a fact that a certain class of officials of the Local Government in Madras whose scale of pay is the same as that paid to similar employees in the mofussil get compensatory allowance on account of the costliness of living of the City ?

(*c*) Is it a fact that the late Member-in-charge of the Department of Industries and Labour, the Honourable Sir Bhupendra Nath Mitra, replied as follows to a deputation of Postal officials of Madras at Madras City on the 19th December, 1929, which is published at page 400 of the general letter of the Madras Circle Postal Union

"He said that a departmental committee which was once appointed by the Government of India to inquire into the question of the grant of compensatory allowances to certain classes of gazetted officers reported that there was no necessity for compensatory allowance in the case of officers serving in Madras City When it was pointed out to him that the Local Government are granting such compensatory allowances he said that the rates of pay in the two cases were not comparable"

(*d*) Will Government be pleased to state when the Committee was appointed and who were the members of the Committee ?

(*e*) Did they visit Madras and make personal investigations as to the cost of living at Madras and compare them with the cost of living at Calcutta and Bombay ?

(*f*) Will Government be pleased to lay on the table a copy of the Report ?

(*g*) With reference to the concluding portion of the Honourable Member's reply, are not the rates of pay of postal officials in Calcutta and Bombay different from the rates of pay granted to the employees of the Local Government at the respective stations and, if so, why should postal employees in Madras City alone be treated exceptionally ?

(*h*) Have Government reconsidered their decision, and are they prepared to grant the allowance early ?

Mr. H. A. Sams : (*a*) and (*b*) The Honourable Member is referred to the replies given by Sir Bhupendra Nath Mitra to parts (*a*) to (*c*) of Mr Abdul Latif Sahib Farookhi's starred question No. 491 in the Legislative Assembly on the 11th February, 1929

(*c*) Yes

(*d*), (*e*) and (*f*) The Committee was a departmental Committee and Government are not prepared to furnish the information asked for.

(*g*) The reply to the first part of the question is in the affirmative As regards the second part, the rates of pay of postal officials in the ordinary time-scale in Madras have been fixed after due consideration of the cost of living, among other things, in that place As regards officials

in the selection grade, their rates of pay have been fixed at an all India rate and Government do not consider that the cost of living in Madras is so much above the general average of the cost of living throughout India as to justify the addition of any compensatory allowance to these rates

(*h*) No.

CLERICAL ESTABLISHMENT OF THE MINT BUILDINGS POST OFFICE AT MADRAS.

182 ***Rao Bahadur P. T. Kumaraswami Chettiyar** : (*a*) Will Government be pleased to state the strength of the clerical establishment of the Mint Buildings Post Office, including the Sub-Postmaster ?

(*b*) Is it a fact that the Presidency Postmaster, Madras, has been sending proposal after proposal for the last two or three years to the Postmaster-General, Madras, asking for additional establishment as the work of the office has enormously increased ?

(*c*) Is it a fact that the Postmaster-General, Madras, has been returning such proposals each time, asking the Presidency Postmaster to submit fresh proposals ?

(*d*) Is it a fact that one reserve clerk and sometimes two reserve clerks have been permanently attached to the Mint Buildings for the last few years to cope with the increased work pending sanction of additional establishment by the Postmaster-General, Madras ?

(*e*) Are Government prepared to direct the Postmaster-General, Madras, to expedite his inquiries regarding the justification of additional establishment ?

Mr H. A Sams . (*a*) to (*e*) The necessary information is being collected and will be communicated to the Honourable Member in due course

CLERICAL ESTABLISHMENT OF THE HIGH COURT BUILDINGS POST OFFICE AT MADRAS

183. ***Rao Bahadur P. T. Kumaraswami Chettiyar** (*a*) Will Government be pleased to state the strength of the clerical establishment of the High Court Buildings Post Office, Madras, including the Sub-Postmaster ?

(*b*) Has the Director-General sanctioned that the Sub-Postmaster be placed in the selection grade ? If so, when ?

(*c*) Is it not a fact that the sanction has been kept in abeyance ? If so, why ?

(*d*) Do Government propose to give effect to the sanction early ?

Mr H. A Sams : (*a*) Seven, including the Sub-Postmaster

(*b*) Yes, in March last

(*c*) and (*d*) The required information is being collected and will be communicated to the Honourable Member in due course.

CLERICAL ESTABLISHMENT OF THE FOREIGN MONEY ORDER DEPARTMENT IN THE MADRAS GENERAL POST OFFICE

184. ***Rao Bahadur P T. Kumaraswami Chettiyar** : (*a*) Will Government be pleased to state the total number of clerks in the Foreign Money Order Department in the Madras General Post Office ?

(*b*) What is the average number of Money Orders disposed of by the Department every day and what is their total value ?

(*c*) Does not the Head Clerk check all the entries and stamps on the money orders and is he not immediately responsible for the correctness of the preparation of the amounts ?

(*d*) Has not the Head Clerk got to advise all the Money Orders received daily, arrange for the proper distribution of work among the staff, prepare advices of payment, and despatch of outward Money Order lists, refund statements, void statements, dispose of the innumerable correspondence received on the subject from the foreign administration, payees and various post offices in India and Burma ?

(*e*) Are not similar appointments in Calcutta and Bombay placed in the selection grade ?

(*f*) Do Government propose to raise the appointment of the Head Clerk, Foreign Money Order Department, to the selection grade ? If not, why not ?

Mr H A Sams : The required information is being collected and will be furnished to the Honourable Member in due course

POSTAL OFFICIALS DOING FOREIGN MAIL SORTING WORK AT MADRAS

185 ***Rao Bahadur P T Kumaraswami Chettiyar** : (*a*) Will Government be pleased to state whether it is a fact that they are abolishing the Foreign Mail Division which performs sorting work of overland mails in the mail van attached to the special train running from Bombay to Madras, and if so, from what date and why ?

(*b*) Is it a fact that the sorting work is proposed to be done at Madras by the staff of the Madras General Post Office out of their usual office hours by payment of overtime allowance ?

(*c*) What is the allowance paid to postal officials in Bombay when they perform a similar class of work on foreign mail days ?

(*d*) What is the allowance proposed to be paid to the postal officials in Madras ?

(*e*) If the overtime allowance proposed to be paid to the postal officials at Madras is lower than that paid at Bombay, what is the reason for paying lower allowance at Madras ?

(*f*) Is the lower allowance due to lower cost of living ? If so, is the difference in the cost of living so great ?

(*g*) Do Government pay different rates of pie money to the telegraphists at Calcutta and Bombay owing to the difference in the cost of living ?

(*h*) If not, are Government prepared to pay the same rate of overtime allowance to postal officials doing foreign mail sorting work at Madras as at Bombay ?

Mr H A Sams : (*a*) No only a section of the Foreign Mail Division has been abolished from the 11th July, 1930, from which date the Bombay-Madras Express train is being utilised for transmission of inward foreign mails in order to accelerate the service

(*b*) Yes, in respect of the sorting work of the town of Madras

(*c*) and (*d*). Statements containing the required information are being supplied to the Honourable Member

(*e*) As the overtime to be performed by the staff of Madras is expected to last only half as long as the overtime in Bombay, and as the rates of pay of the former are lower than those of the latter, the rates of overtime proposed for the Madras staff are less than the rates sanctioned for the staff in Bombay

(*f*) As explained in the reply to part (*e*) of this question, the difference in the rates of overtime is not solely due to the difference in the cost of living in Madras and Bombay as reflected in the difference in the time-scales of pay for the two places It is chiefly due to the difference in the duration of the overtime duties

The last part of this question does not therefore, arise

(*g*) No, because the rates of pay of the staff concerned and the standards which determine the money earnings are the same at both places

(*h*) No, for the reasons given in my reply to parts (*e*) and (*f*)

LOWEST SELECTION GRADE EXAMINATION OF THE POSTAL DEPARTMENT

186 ***Rao Bahadur P T Kumaraswami Chettiyar** : (*a*) Will Government be pleased to state whether they intend holding the lowest selection grade examination of the Postal Department this year also and if so, when, and if not, why not ?

(*b*) If the examination is to be held this year also, do they propose to exempt the officials who are more than forty years old from appearing in parts 3 and 4 as was done in the first examination ? If not, why not ?

(*c*) Do they propose modifying the rules and the syllabus of the examination and if so, what are they ?

Mr. H A Sams : (*a*) Yes Probably in December, 1930

(*b*) No. The officials have had ample notice that the examination would be held yearly , and even the older members of the staff, in whose favour a concession was allowed on the occasion of the first examination, should now have no undue difficulty in preparing for the examination which relates in the main to business with which they are familiar

(*c*) The question is under my consideration

CLERICAL ESTABLISHMENT OF THE CORRESPONDENCE DEPARTMENT OF THE MADRAS GENERAL POST OFFICE

187 ***Rao Bahadur P. T. Kumaraswami Chettiyar** : (*a*) Will Government be pleased to state the number of clerks in the Correspondence Department, Madras General Post Office ?

(*b*) Is it a fact that there is only one selection grade appointment in the Correspondence Department ?

(*c*) How many clerks are there in the Correspondence Departments of the Bombay and Calcutta General Post Offices and how many selection grade appointments are there in each of those offices ?

(*d*) Is it a fact that one single Head Clerk is in charge of the correspondence work of the offices of the two City Superintendents of Post Offices of Madras City ?

(*e*) Are Government prepared to consider the matter ?

Mr. H A Sams (*a*) to (*e*) Necessary information is being collected and will be communicated to the Honourable Member in due course

UNSUITABLE QUARTERS OF THE MINT BUILDINGS POST OFFICE AT MADRAS.

188. ***Rao Bahadur P T. Kumaraswami Chettiyar** : (*a*) Are Government aware that the Mint Buildings Post Office is located in an ill-ventilated and low building putting the staff to serious inconvenience ?

(*b*) Is there any proposal to remove the office to a better building, and if so, when ? If not, why not ?

Mr H. A Sams . (*a*) and (*b*) The Postmaster-General, to whom I have referred, reports that the building is neither ill-ventilated nor low and that there is therefore no proposal to move the post office to another building

CONGESTED QUARTERS OF THE GENERAL POST OFFICE BUILDINGS AT MADRAS.

189 ***Rao Bahadur P. T. Kumaraswami Chettiyar** : (*a*) Will Government be pleased to state the total area occupied by the different Departments of the Madras General Post Office in the Madras General Post Office buildings ? Will Government be pleased to place on the table the orders passed prescribing standard minimum space requirements for each clerk or department ?

(*b*) Is it a fact that judged by the above standard the space of the General Post Office buildings is insufficient ?

(*c*) Is it a fact that certain Departments of the General Post Office, such as Correspondence, Delivery, etc , are very congested ?

(*d*) What is the total area of the Correspondence Department and what is the number of clerks and menials working in the Department ?

(*e*) Is it a fact that all the records of the Department are kept in the Department itself ?

(*f*) Is it a fact that the post boxes in the Madras General Post Office are situated in a dark room in the ground floor and the officials are made to work in the Department throughout the day under electric lights and fans ?

(*g*) Is it a fact that some of the officials working in that Department are frequently absenting themselves falling ill ?

(*h*) Is it a fact that a site has been purchased for constructing Madras General Post Office buildings , if so, when and where, and at what price ? Has the site been let out to any body ? If so when, for what rent and for what period ?

(*i*) Do Government propose to take steps to erect a suitable building for the General Post Office early and take immediate steps to obtain a rented building near the General Post Office to transfer some of the Departments ?

(*j*) Is it a fact that about a sum of Rs 60,000 was spent last year to effect some improvements to the buildings of the Central Telegraph Office, Madras, which forms part of the General Post Office buildings and nothing has been spent for the improvement of the building occupied by the post office proper for a very long time ?

Mr. H. A Sams : (*a*) 28,836 square feet plinth area A copy of the orders prescribing, as a guide, the standard space for each postmaster, clerk and department will be sent to the Honourable Member The standard laid down for a clerk is 75 square feet No standard is prescribed for a Department as the size of a Department varies with its personnel

(*b*) and (*c*) Information on these points is being collected and will be communicated to the Honourable Member

(*d*) 2,240 square feet 29 clerks and 6 menials work in that Department

(*e*) Yes

(*f*) The post-boxes in the Madras General Post Office are in a room on the ground floor, but the room is spacious and well ventilated The long range of post boxes necessitates the use of electric light when work is in progress Fans are also used for the convenience and comfort of the staff

(*g*) No Absenteeism in the Correspondence Branch is about the same as in other Departments of the General Post Office, Madras

(*h*) The site known as Taylor's yard on Mount Road was purchased in 1915 for Rs 1,31,614 for a building not only for the Madras General Post Office, but to accommodate also the Executive and Administrative offices A portion of the site was sold to the Madras Corporation in 1924-25 for Rs 3,438 and another portion has been let out to the Madras City Mail contractors at Rs 219 per mensem, as assessed by the Public Works Department The period of the lease is being ascertained and will be communicated later to the Honourable Member

(*i*) The Government of India do not propose to erect a new building for the General Post Office, Madras, nor to hire a rented building until they are convinced of the necessity to do so

(*j*) A sum of Rs 56,597 was spent last year for improvement of the Instrument Room of the Central Telegraph Office, Madras No extensive improvements are necessary to the General Post Office building, but several internal alterations have been made to meet the requirements of every Department as necessity arose

REFUSAL OF PERMISSION TO GHULAM KASIM KHAN, *ex*-NAWAB OF TANK, TO RESIDE IN THE NORTH WEST FRONTIER PROVINCE

190 ***Mr. S. C. Mitra** : (*a*) Will Government please state if it is a fact that Ghulam Kasim Khan, *ex*-Nawab of Tank, District Dera Ismail Khan, North West Frontier Province, was deported during the great war ?

(*b*) Is it a fact that the order of deportation regarding the Nawab of Tank was cancelled several years ago by the Government of India after consulting the Chief Commissioner, North West Frontier Province ?

(c) Is it a fact that soon after the cancellation of the said order of deportation the said *ex*-Nawab wanted to go to his native place Tank and live there at his home for the rest of his life ?

(d) Is it a fact that the Government communicated to him an executive order that if he were to enter the North West Frontier Province he would forthwith be turned out of that province under the Frontier Crimes Regulations of 1901 ? If so, will Government give reasons for such an order ?

(e) Is it a fact that the said Nawab is about 60 years of age, and despite his repeated memorials to the Government of India through the Chief Commissioner, North West Frontier Province, he is not permitted to enter the North West Frontier Province and reside at Tank or Dera Ismail Khan ? If so, will Government be pleased to state the reasons for such refusal ?

(f) Are Government prepared to permit the said *ex*-Nawab to enter the North West Frontier Province and reside therein on the fulfilment of any condition or conditions ? If so what are those conditions ?

Mr E B Howell (a) to (e) Yes The presence of Nawab Ghulam Qasim Khan in the North West Frontier Province was considered to be undesirable

(f) Enquiry is being made from the North West Frontier Province authorities and an answer will be given to the Honourable Member in due course

Maulvi Abdul Matin Chowdhury : Why was the presence of the gentleman considered undesirable ?

Mr E. B Howell Does the Honourable gentleman know the Nawab in question ? Is he acquainted with the Nawab ?

Maulvi Abdul Matin Chowdhury . No, Sir

Mr E B Howell If the Honourable Member were acquainted with the Nawab in question, he would not have put this question

Maulvi Abdul Matin Chowdhury : I want the information from the Honourable Member Why was his presence considered undesirable ?

Mr E B Howell : The presence of the ex-Nawab in Tank puts it within his power at any time to make the existence or at any rate the tranquil existence of the present Nawab a matter of impossibility If he exercises all the powers that he has in that direction, he can make he present Nawab's life unbearable

†191 *

LATE ARRIVAL OF THE GRAND TRUNK EXPRESS AT THE CENTRAL STATION, MADRAS.

192 ***Rao Bahadur M. C. Rajah** : (a) Will Government please state if it is a fact that the Up Grand Trunk Express almost daily arrives late at the Central Station, Madras ?

(b) Is it a fact that, as a consequence thereof, through passengers from Northern India to places south of Madras on the metre gauge section are unable to catch the Ceylon Boat Mail at the Egmore station ?

†Not put by the questioner

(*c*) Are Government aware that, even otherwise, the interval of 25 minutes between the arrival of the Up Grand Trunk Express at the Madras Central Station (8-15 P M) and the departure of the Ceylon Boat Mail at Egmore (8-40 P M) is so short that it is physically impossible for through passengers from Northern India to catch the Ceylon Boat Mail at the Egmore Station ? Is it also a fact that the interval is only thirty minutes between the arrival of the Ceylon Boat Mail at the Egmore Station (7 A M) and the departure of the Down Grand Trunk Express from the Madras Central Station ? Have the Railway Department considered the advisability of addressing the Railway Administrations concerned to allow at least an interval of two hours between the arrival or departure of the Grand Trunk Express and the departure or arrival of the Ceylon Boat Mail respectively ?

Mr A A L Parsons (*a*) I regret to say that this train is at present frequently running late, though Government are not aware of the actual number of times on which it has arrived late at Madras

(*b*) Yes, frequently, as the interval between these trains at Madras is only 25 minutes

(*c*) The facts are as indicated in these questions Revised timings for the Grand Trunk Express trains are to be introduced from the 1st September and the Railway Administrations concerned will be asked to consider the advisability of extending the interval between these and the Ceylon Boat Mail trains

HALT OF THE GRAND TRUNK EXPRESS AT STATIONS BETWEEN BEZWADA AND MADRAS

193 ***Rao Bahadur M. C Rajah** : Will Government please state if it is a fact that on the section Bezwada and Madras the Grand Trunk Express makes a halt of only a few minutes in the intermediate stations, and are Government aware that passengers are put to a lot of difficulty in getting water and refreshments from the platforms ? Have the Railway Department considered the question of arranging for the halts to be longer, especially at breakfast, lunch and dinner times ?

Mr A. A L. Parsons Between Bezwada and Madras the majority of the halts made by the Up and Down Grand Trunk Express trains are limited to a few minutes and it is no doubt correct that passengers experience difficulty in getting water and refreshments during such halts

Revised timings for these trains are to be introduced from 1st September and the Agent of the Madras and Southern Mahratta Railway will be asked to see what can be done to improve conditions in this respect

RUNNING OF A THROUGH TRAIN BETWEEN DELHI AND MADRAS

194 ***Rao Bahadur M. C. Rajah** (*a*) Will Government please state if they are aware that the through route between Northern and Southern India has become very popular and that consequently there is a lot of overcrowding in the through carriages ? Have Government considered the question of the advisability of running a through train from Delhi to Madras and *vice versa* instead of running only two through carriages ?

(*b*) Are Government prepared to issue instructions to the Railway Staff to see that the through carriages contain only through passengers ?

(*c*) Have Government considered the question of the advisability o providing intermediate accommodation also on the through carriages ?

Mr A. A L. Parsons : (*a*) Government are not aware that thes through carriages are generally overcrowded, but as these trains are to b run as through trains between Delhi and Madras from the 1st Septembe the number of through coaches will then no longer be limited to two as a present

(*b*) I am afraid it is not practicable to prohibit local passengers from finding accommodation in the through carriages when they are not fully occupied

(*c*) Intermediate class through tickets cannot be issued for this train as intermediate class tickets are not sold on the Nizam's State Railway which forms a portion of this route

PROVISION OF BUFFET CARS IN THE GRAND TRUNK EXPRESS

195 ***Rao Bahadur M C Rajah** : Have Government arranged for the provision of buffet cars in the Grand Trunk Express for the convenience of the long distance passengers who are mostly Indians, just as they have done on the Lahore-Delhi section ?

Mr. A A L Parsons A dining car for Indians is run on this train on the North Western Railway and an ordinary restaurant car on the South Indian Railway The Agents of the Great Indian Peninsula, Nizam's State and Madras and Southern Mahratta Railways will be asked whether it will be possible to run a buffet car on this train over their lines

OVERCROWDING OF THROUGH THIRD CLASS CARRIAGES BY INDIAN SEPOYS.

196. ***Rao Bahadur M C. Rajah** : (*a*) Are Government aware that the through third class carriages are often overcrowded with Indian sepoys on their seasonal moves ?

(*b*) Have Government considered the question of providing them with separate compartments so as to relieve the congestion in the ordinary through third class carriages ?

Mr A A L Parsons (*a*) No

(*b*) With the present arrangement of only two through coaches, it is not possible to reserve any of the accommodation therein for sepoys From the 1st September when the whole train will run through between Madras and Delhi it should not be necessary to reserve special accommodation for sepoys.

PROVISION OF BETTER TYPE CARRIAGES FOR THROUGH SERVICE IN THE MADRAS AND SOUTHERN MAHRATTA AND SOUTH INDIAN RAILWAYS

197 ***Rao Bahadur M. C. Rajah** Are Government prepared to instruct the Madras and Southern Mahratta and South Indian Railway authorities to provide a better type of carriage for the through service than they do at present ?

Mr. A A L Parsons It is understood that of the through coaches required for the present service those provided by the Nizam's State Railway are not in very good internal condition, and the Agent of that Railway has been asked whether he can replace them with better ones.

CARRIAGE OF MAILS BETWEEN NORTHERN AND SOUTHERN INDIA BY THE THROUGH RAILWAY ROUTE.

198. ***Rao Bahadur M C. Rajah** : Will Government be pleased to state if it is proposed to carry the mails between Northern and Southern India by the through route, instead of by the Bombay route as at present done ? If so, when ?

Mr H. A. Sams : Yes Steps are being taken to carry mails by the " through route " from February, 1931.

INDIANISATION OF THE SUPERIOR STAFF OF THE IMPERIAL BANK OF INDIA.

199 ***Mr S C Mitra** (*a*) Will Government be pleased to state whether any correspondence has passed between the Government and the Imperial Bank of India or whether Government have ever issued any instructions regarding Indianisation of the superior staff of the Bank ?

(*b*) If so, will the Honourable the Finance Member be pleased to lay on the table copies of such correspondence or instructions ?

The Honourable Sir George Schuster No official correspondence has passed on this question between the Government and the Imperial Bank, and I would remind the Honourable Member that the Government have no official status for interfering in the internal administration of the Bank At the same time I may inform him that I have taken frequent opportunities of discussing the question with the Managing Governors and after the debate in this House during the last Delhi Session on the Bill brought forward by Mr B Das, I specially wrote to one of them forwarding a copy of the official Report and calling his special attention to the points raised and to the sentiments which I had expressed in the course of the debate, I am satisfied that the responsible authorities are making a genuine endeavour to instal Indians in positions of trust in the Bank

APPOINTMENT OF MUSLIMS TO THE OFFICE OF THE PRIVATE SECRETARY TO THE VICEROY

200 ***Mr. Abdul Latif Saheb Farookhi** . (*a*) What is the total strength of the clerical establishment in the office of the Private Secretary to H E. the Viceroy ?

(*b*) How many of them are Muslims ? If none, why not ?

(*c*) Are candidates recruited in that office through the Public Services Commission ?

(*d*) Are not qualified Muslims available for the office of the Private Secretary to H E the Viceroy ?

(*e*) Have Government considered the question of the desirability of appointing qualified Muslims in that office ?

The Honourable Mr. H. G. Haig (*a*) Fifteen

(*b*), (*d*) and (*e*). There are no Muslims in the office at present. The Honourable Member will no doubt realise that in a small office vacancies occur infrequently, and in this office there has in fact been no vacancy since 1926, when the Government of India took up the question

of Muslims in the Secretariat offices. I understand that when a suitable vacancy occurs, the head of the office will consider the claims of Muhammadan candidates

(*c*) No

†201.*

RESTORATION OF STIPENDS TO MEMBERS OF THE CARNATIC FAMILY.

202 ***Mr M K Acharya** : Will Government be pleased to say what action they have taken or propose to take on the Resolution adopted by this House last January, on the subject of restoration of Carnatic stipends ?

Mr E. B. Howell I would refer the Honourable Member to the answer given by me in the House on the 14th instant to a question on the same subject by the Honourable Maulvi Mohammad Shafee Daoodi

EDUCATION, HEALTH AND SANITATION OF AJMER-MERWARA AND DELHI

203. ***Rai Sahib Harbilas Sarda** : (*a*) Is it not a fact that the Government of India are responsible for the education, health and sanitation of the provinces of Ajmer and of Delhi ? Is it a fact that both of them, containing almost equal populations, are under the direct administration of the Government of India ?

(*b*) Is it a fact that there is only one District Board in the Province of Ajmer-Merwara and one in Delhi ?

Sir Frank Noyce (*a*) and (*b*) Yes

GRANTS GIVEN TO THE DISTRICT BOARDS OF DELHI AND AJMER.

204 ***Rai Sahib Harbilas Sarda** : (*a*) Is it a fact that the annual income of the District Board, Delhi, is Rs 90,000 while the Government have given it (recurring and non-recurring) grants .

in 1926-27 of Rs 9,47,270,

in 1927-28 of Rs 1,88,431,

in 1928-29 of Rs 1,35,579,

in 1929-30 of Rs 1,54,811,

while to the District Board of Ajmer with an average annual income during the last four years of about Rs 85,000, Government have given

in 1926-27 only Rs 17,000,

in 1927-28 only Rs 29,250,

in 1928-29 only Rs. 25,750,

in 1929-30 only Rs 25,750,

or in other words while to the Delhi District Board, Government have given from 150 to 175 per cent of its own income as grant, they have given only 29.5 per cent as grant to the Ajmer-Merwara District Board ?

†*See* page 535

(*b*) If so, will Government state their reasons for this differential treatment, stating if the requirements of the two provinces are different, what are those differences which entitle the Delhi District Board to earn such a large grant as Rs. 1,55,000 while Ajmer gets only about Rs 24,500 a year ?

Sir Frank Noyce . (*a*) The average annual income of the District Board of Ajmer is over Rs one lakh, not Rs 85,000, but the other figures given by the Honourable Member regarding the District Board of Ajmer are approximately correct The figures he has given regarding the income of the District Board, Delhi, and the Government grants made to it, have had to be referred to the Chief Commissioner, Delhi, for verification

(*b*) Pending receipt of the information called for from the Chief Commissioner, I am not in a position to reply to the point raised On the assumption that the figures for Delhi are approximately correct, I may, however, suggest that though it is not easy to compare the relevant needs of two distinct areas, it is not unnatural that the District Board of the district which contains the Capital of the country should receive the larger grants from Government

Rai Sahib Harbilas Sarda The annual income of the District Board in question given in my question is Rs 85,000 and the Honourable Member said that this income is over rupees one lakh Is it not a fact that the rupees one lakh includes the Government grant also, while the figure of Rs 85,000 given in the question gives the income of the District Board exclusive of the Government grant ?

Sir Frank Noyce The figures which were given, Sir, were obtained from the Chief Commissioner I will verify the point raised by the Honourable Member and let him know the result

Lack of Grants given to the Ajmer Municipality

205 ***Rai Sahib Harbilas Sarda** : Is it a fact that the Government of India have, during the four years 1926-27 to 1929-30, given from Central revenues Rs 8,15,489 as recurring and Rs 78,891 as non-recurring grants to the Delhi Municipality, while not a rupee has been given as a recurring or non-recurring grant to the Ajmer Municipal Committee for the same purposes as those for which grants have been given to the Delhi Municipal Committee except Rs 25,000 a year given to the Ajmer Administration for primary education in urban and rural areas of the province ?

Sir Frank Noyce The figures relating to grants to the Delhi Municipal Committee have been referred to the Chief Commissioner for verification The statement in the last part of the question as to grants to the Ajmer Municipal Committee is correct

Deplorable Sanitary Conditions of Ajmer and Beawar due to Lack of Government Grants

206 ***Rai Sahib Harbilas Sarda** (*a*) Are Government aware of the abnormal death rate in the Ajmer Municipal area, as evidenced by 448.5 babies out of 1,000 dying in the first year of birth, and of the fact that the Ajmer Municipal Committees are unable to make proper arrangements for the sanitation and health of the citizens of Ajmer ?

(*b*) Will Government give reasons why, when they grant to the Municipal Committee of Delhi about Rs 2½ to 2¾ lakhs a year they grant practically nothing to the Ajmer Municipal Committee ?

(*c*) Are Government aware that Government's not taking immediate measures to remedy the deplorable sanitary and health conditions of Ajmer and Beawar is adding to the dissatisfaction and discontent of the people of these places ?

Sir Frank Noyce (*a*) Government are aware of the high death rate in Ajmer municipal area, to which the Honourable Member refers, and think that it may be attributed in part to the fact that the Ajmer Municipality have apparently not been able in the past to allot sufficient funds for public health schemes

(*b*) An enquiry has been made from the Chief Commissioner, Delhi, as to the amount of the grants made annually to the Municipal Committee of Delhi With regard to such grants to the Ajmer Municipality, I would invite the attention of the Honourable Member to the reply given by me on the 17th February, 1930, to parts (*c*) and (*d*) of his question No 318 in which it was explained that as part of the programme for medical and public health improvement in areas directly administered by the Government of India the Standing Finance Committee had approved on certain conditions of a grant-in-aid of Rs 1,55,000 to the Ajmer Municipality for the improvement of sanitation in Ajmer Owing to severe financial stringency it has not been found possible to make any such provision in the budget estimates of the current year, but the question of including provision for the purpose in the budget for 1931-32 will be duly considered

(*c*) As I informed the Honourable Member last February, the Government of India are alive to the necessity of remedying defects and deficiencies in the public health conditions of Ajmer, and hope that when such deficiencies have been removed, any discontent which may at present exist on the subject will also be removed

Dr Nand Lal May I ask whether Government have ever appointed or deputed an expert staff proficient in the efficient treatment of children's diseases, in order to drive out this malady ?

Sir Frank Noyce Which malady ?

Dr Nand Lal So far as the excessive death rate of boys is concerned (Laughter) (*Cries of* 'No, no''), that is due to the malady which is specially concerned with the babies—I mean the excessive death-rate as the result of those maladies, those diseases which are peculiar to children boys and babies ? The question I ask is, have Government yet kindly deputed or appointed any expert to drive out those maladies and diseases which attack these poor boys as their victims ?

Sir Frank Noyce The Indian Research Fund Association is employing an expert on questions of this kind I am not yet aware how far the results of that work have been applied to Ajmer

LEGALITY OF ORDINANCE III OF 1930

***Mr. Abdul Haye** . (*a*) **Are Government aware that the Lahore High Court Bar Association has expressed an opinion that Ordinance No**

III of 1930 is inexpedient and *ultra vires* ? (*Vide* page 3 of the *Tribune*, dated the 3rd July, 1930)

(*b*) Have Government since then referred the matter to their Law Officers and obtained their opinion ? If so, with what result ?

The Honourable Mr H G Haig (*a*) and (*b*) As the Honourable Member is no doubt aware, the matter is now *sub judice*

RESTORATION OF STIPENDS TO MEMBERS OF THE CARNATIC FAMILY

208 ***Mr Abdul Qadir Siddiqi** : Will Government be pleased to state what action was taken on the Resolution passed by the Legislative Assembly in the last Delhi Session regarding the restoration of stipends to the members of the Carnatic family ?

Mr E. B Howell : I would refer the Honourable Member to the answer given by me in the House on the 14th of this month to a question on the same subject by the Honourable Maulvi Mohammad Shafee Daoodi

NUMBER OF MUSLIM STUDENTS AND STAFF IN THE LADY HARDINGE MEDICAL COLLEGE AND HOSPITAL, NEW DELHI

209 ***Mr Abdul Qadir Siddiqi** (1) Will Government be pleased to state

(*a*) the total number of Muslim and non-Muslim students in the medical classes and F Sc classes, Lady Hardinge Medical College, New Delhi ,

(*b*) the total number of students, Muslims and non-Muslims who have obtained M B B S degree from the Lady Hardinge Medical College, New Delhi , and

(*c*) the total number of Muslim and non-Muslim members of the staff of the Lady Hardinge Medical College, including subordinates ?

(2) Is it a fact that the number of Muslim students in the Lady Hardinge Medical College is extremely small ? If so have Government taken any steps to increase the number ?

(3) Are Government prepared to consider the desirability of reserving some seats and scholarships for Muslim students and to provide other suitable facilities to increase their number in the Lady Hardinge Medical College ?

(4) Are Government prepared to appoint suitable Muslims when vacancies occur in the Lady Hardinge Medical College and Hospital, New Delhi, to remove communal inequality ?

Sir Frank Noyce : With your permission, Sir, I shall answer questions 209 to 211 together I regret that I cannot at the moment supply the information for which the Honourable Member asks, but it has been called for and will be supplied to him later When it is available, Government will consider the suggestions which the Honourable Member has made.

NUMBER OF STUDENTS DISCHARGED FROM THE LADY HARDINGE MEDICAL COLLEGE, NEW DELHI

†210 ***Mr Abdul Qadir Siddiqi :** (*a*) Will Government be pleased to state how many students were discharged from medical classes and F Sc classes in the Lady Hardinge Medical College during the current session, and how many of them were Muslims ?

(*b*) Will Government please state the reasons for discharge from the classes in each case ?

(*c*) Are Government prepared to readmit the students so discharged ?

DISCHARGE OF A MUSLIM GIRL STUDENT FROM THE LADY HARDINGE MEDICAL COLLEGE, NEW DELHI

†211 ***Mr. Abdul Qadir Siddiqi :** (*a*) Is it a fact that, a Muslim girl K Fatima was admitted in the Lady Hardinge Medical College, after due formalities and that she was reported to be doing her best in February, 1930 ?

(*b*) Will Government state if she was discharged and if so, why ?

(*c*) Have Government considered the desirability of her readmission ?

APPOINTMENT OF ACCOUNTANTS ON RAILWAYS

212 ***Mr S. C Mitra :** (*a*) Is it a fact that some training class students have been posted as officiating junior accountants in the Accounts Department of the Eastern Bengal Railway very recently, though there are some fully qualified clerks on the East Indian Railway who have not been given any chance ? If so, why have their cases been overlooked ?

(*b*) Is it a fact that a certain number of the posts of junior accountants are held by such unqualified men—who could not even pass Part I of the S A S Examination—though there are qualified clerks who have passed Parts I and II who are working as clerks on very low pay ?

(*c*) What is the procedure in the Audit Department in such cases, and is the same procedure followed in the Accounts Department ?

(*d*) Are the posts of accountants and accounts officers (in the Accounts Department) treated as an all-India service or are they treated as a local service ? Are there any rules framed by Government ? If so, will Government be pleased to lay a copy of those rules on the table ?

Mr A. A. L Parsons (*a*) The answer to the first part of the question is in the affirmative As regards the second part, there is at present only one fully qualified clerk on the East Indian Railway who is not working as an Accountant, but it is expected that he will get a chance very soon to do so He has therefore not been transferred to the Eastern Bengal Railway.

(*b*) Men who have passed the Training Class Examination are qualified to officiate as junior accountants

(*c*) The Audit Department had no special Training Class

†For answer to this question, see answer to question No 209

(*d*) They are treated as a Local service. The rules framed by Government and approved by the Standing Finance Committee for Railways are in the Library of the House.

TENDER FOR RED PAINT ACCEPTED BY THE INDIAN STORES DEPARTMENT

213 ***Mr S C. Mitra** : (*a*) Is it a fact that the Indian Stores Department in Tender No H-6040, dated the 11th November, 1929, asked for quotations as item No 87 a substance " Red anti-corrosive suitable for painting corrugated sheets " ?

(*b*) Is it a fact that the Indian Stores Department accepted the tender of a proprietory article " Corrugal " against the said item ?

(*c*) Is it a fact that on an inquiry from Messrs the Murarka Paint and Varnish Works, Ltd, 137, Canning Street, Calcutta, about the specification for the said item No 87 the Indian Stores Department informed them that it is the same substance as " Red Oxide " to I S D specification ?

(*d*) Will Government be pleased to state whether " Corrugal " which has been purchased against the said item No 87 is of the same specification as " Red Oxide " to I S D specification ?

The Honourable Sir Joseph Bhore (*a*) Yes.

(*b*) The Indian Stores Department invited tenders for the substance mentioned in (*a*) (of the question) and called for prices for any quantities up to 500 cwts and between 500 and 1,000 cwts One of the tendering firms quoted alternative prices for the brand of anti-corrosive paint known as " Corrugol " Two indentors specially asked for this particular brand as they had found by experience that it gave the most satisfactory service To meet the special requirements of these indentors 33 cwts of " Corrugol " was accepted and the balance of the demand amounting to 600 cwts of red oxide paint was placed with a tenderer who submitted the lowest satisfactory tender

(*c*) Yes

(*d*) It has been explained in answer to (*b*) that only a comparatively small quantity of " Corrugol " was purchased to meet the special requirements of two indentors " Corrugol " does not conform to the Indian Stores Department specification for red oxide paint

TENDER FOR PAINT REMOVER ACCEPTED BY THE INDIAN STORES DEPARTMENT.

214. ***Mr. S C. Mitra** : (*a*) Is it a fact that the Indian Stores Department called for tenders for 6,000 gallons " Paint Remover free from Alkali " in their tender No H-6040, dated 11th November, 1929 ?

(*b*) Is it a fact that Messrs the Murarka Paint and Varnish Works, Limited, quoted their proprietory article " Mura Paint Di-Solve " at Rs. 5-8-0 per gallon ?

(*c*) Is it a fact that the said " Mura Paint Di-Solve " was tested by the Alipore Test House and was awarded a certificate on the 31st May, 1929 ?

(*d*) Is it a fact that the said " Mura Paint Di-Solve " is an article manufactured by Messrs the Murarka Paint and Varnish Works, Ltd,

which is wholly an Indian concern with Indian management, with Indian capital and labour ?

(*e*) Is it a fact that the Indian Stores Department accepted the tender of "Salvoid" as a substitute for the "Paint Remover free from Alkali" ?

(*f*) Is it a fact that the said "Salvoid" is an imported foreign proprietory product ?

(*g*) Is it a fact that this "Salvoid" is purchased by the Indian Stores Department at Rs 7 (Rupees seven) per gallon ?

(*h*) If the answers to the parts (*a*) to (*g*) be in the affirmative, will Government be pleased to state the reasons why only 41 gallons of "Mura Paint Di-Solve", an approved indigenous product was purchased and the supply of the remainder of the 6,000 gallons of the Paint Remover tendered for was given to the tenderer who quoted a foreign imported article at a considerably higher rate ?

The Honourable Sir Joseph Bhore : (*a*) The Indian Stores Department invited tenders on the date mentioned for "Paint Remover (caustic soda solution is not required)". The invitation to tender called for prices for any quantities up to 4,500 gallons and between 4,500 and 6,000 gallons, that might be demanded during the period from the 1st April, 1930, to the 31st March, 1931.

(*b*) Messrs. the Murarka Paint and Varnish Works, Ltd., quoted for their proprietory preparations called "Mura Paint Di-Solve" as follows :

	Up to 4,500 gallons	Between 4,500 and 6,000 gallons
	Per gallon Rs A P	Per gallon Rs A P
(*a*) in one gallon tins	5 12 0	5 12 0
(*b*) in two gallon cases	5 10 0	5 10 0
(*c*) in five gallon drums	5 8 0	5 8 0

(*c*) Yes.

(*d*) This is believed to be the case.

(*e*) The Indian Stores Department accepted the tender for "Solvoid", not as a substitute, but because this preparation fully satisfied the requirements.

(*f*) Yes.

(*g*) The Indian Stores Department accepted the tender for "Solvoid" at Rs 7 per gallon in one or two gallon tins.

(*h*) At the time of awarding the contracts the total demands received for paint remover, by the Chief Controller of Stores, from indenting officers amounted to 841 gallons. Of this quantity, 41 gallons was placed with the Murarka Paint and Varnish Works for "Mura Paint Di-solve". The balance of 800 gallons was required by a particular indentor who had indented specifically for "Solvoid". The Indian Stores Department represented to the indentor that "Mura Paint Di-Solve" could be purchased at a lower price. The indentor was asked if he would accept this preparation, but he was unable to agree to accept any brand of which he had no experience in practical use

and insisted on the supply of a brand which had been tested, tried and found satisfactory in actual service

The Superintendent, Government Test House, has reported that "Solvoid" is superior to "Mura Di-Solve" as a paint remover

COMMUNAL REPRESENTATION IN THE GOVERNMENT OF INDIA OFFICES

215 ***Mr. S C Mitra** : (*a*) Will Government please state whether he instructions issued by them regarding communal representation in the Government of India offices apply also to departmental examinations and promotions ?

(*b*) If the reply to part (*a*) be in the affirmative, how do Government ustify their policy under section 96 of the Government of India Act which ays down that no one shall be debarred from holding any post under the 'rown in India by reason of his creed, caste or colour ?

The Honourable Mr H G Haig (*a*) The instructions referred to y the Honourable Member do not apply to departmental promotions

(*b*) Does not arise

Dr Nand Lal . May I ask, Sir, whether this policy, which is practically based on communalism, is not detrimental to the purity of administration ?

The Honourable Mr H G Haig No, Sir The view of the Government of India is that it is desirable that, as far as possible, all communities should receive a reasonable share in the administration

Dr Nand Lal That is quite true but will the Government of ndia be also pleased to look to the purity of administration, which is of ital importance to every good government ?

The Honourable Mr H G Haig I do not understand, Sir how any uestion of the purity of administration arises The Honourable Member might perhaps raise a question of the efficiency of the administraon So far as that is concerned, the Government take steps to satisfy emselves that persons are not admitted to the public service who are ot, in their opinion, efficient

Dr Nand Lal May I give a personal explanation, Sir The purity the result of the efficient Government

Mr. President : Order, order No explanation is required

CLERICAL ESTABLISHMENTS OF THE INDIA OFFICE AND THE OFFICE OF THE HIGH COMMISSIONER FOR INDIA

216. ***Mr. S. C. Mitra** : (*a*) Will Government please state the strength the clerical establishments of the India Office and of the office of the High ommissioner for India ?

(*b*) What are the different grades and the rates of pay ?

(*c*) What is the system of recruitment as regards these establishents ?

(*d*) What is the number of Indians holding appointments in the erical establishments ?

(*e*) Are Indians given any preference in the matter of recruitment of rsonnel for the clerical establishment ?

The Honourable Mr H. G Haig : (*a*) The total number of the clerical staff including shorthand-typists, typists and comptometer operators actually serving in the High Commissioner's Office on the 1st April, 1930, was 260

(*b*) A statement showing the grades and rates of pay is placed on the table

(*c*) Government understand that the High Commissioner maintains a list of candidates who apply for appointments in his office and makes a selection from that list to fill each vacancy as it occurs

(*d*) The number of clerical appointments in the High Commissioner's Office held by Indians, including Anglo-Indians, on the 1st January, 1930, was 49

(*e*) It is understood that the High Commissioner fills the majority of vacancies occurring in his clerical establishment by the appointment of Indians

Government have no information about the clerical establishment of the India Office

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Statement showing the grades and rates of pay of the clerical establishment of the Office of the High Commissioner for India in London

Higher Clerical Officers	£300—15—400 a year
Clerical Officers	
(*i*) Men	£60 a year on entry, rising to £80 a year at the age of 18, thence by £5 to £100, thence by £10 to £120, thence by £15 to £150, thence by £10 to £250 (Efficiency Bar, £180)
(*ii*) Women	£60 a year on entry, rising to £80 a year at the age of 18 thence by £5 to £120, thence by £7 10*s* annually to £180 (Efficiency Bar £135)
Superintendents of Typists	£150—£7 10*s*—£180
Shorthand typists	28*s*—2*s* 6*d*—46 a week
Typists	22*s* a week from age of 18 to 19, 24*s* at 19, 26*s* at 20, 28*s* at 21 (or over in case of entrants over 21), and thence by increments of 2*s* to 36*s* a week

The temporary staff is on weekly rates of pay, which, on 1st April, 1930, varied between 28*s*. 8*d*. and 102*s*. 9*d*. a week according to the grades and ages of the incumbents

Note 1—The permanent staff is in addition entitled to the Civil Service Cost of Living Bonus

Note 2—Members of the establishment of Indian domicile, whose basic salary does not exceed £400 a year, receive also an overseas allowance of £50 a year This allowance is not, however admissible to a temporary clerk of limited tenure

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PAY OF MECHANICAL TRANSPORT AND SUPPLY AND TRANSPORT CLERKS.

217. ***Mr. S. C. Mitra :** (*a*) Is it a fact that there are at present two different cadres of Mechanical Transport and Supply and Transport clerical establishments ?

(*b*) If the reply to (*a*) be in the affirmative, will Government please state their scales of pay ?

(*c*) Is it also a fact that some years ago both were in one cadre ? If so what was the scale of pay before separation ?

(*d*) Is it a fact that the nature of duties and qualifications required for admission to both the services are identical ?

(*e*) Is it a fact that the scale of pay of the Mechanical Transport clerks was increased after separation but the question of improving the pay and prospects of Supply and Transport clerks is still under consideration ?

(*f*) When did the Government receive the last memorial from the Supply and Transport clerks, and what decision, if any, has been arrived at on it ?

Mr G M. Young : (*a*) Yes The Honourable Member is referred to the reply given on the 21st March last to part (*a*) of unstarred question No 269.

(*b*) The scale of pay for both cadres is the same, namely

Upper Division—Rs 125—10—325—25|2—375, with efficiency bars at Rs 225 and 325

Lower Division—Rs 50—4—90—3—150, with efficiency bars at Rs 90 and 120

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

(*d*) Yes

(*e*) In view of the answer to part (*c*), this does not arise

(*f*) The last memorial was received in June, 1930 The question of uniform scale of pay for clerks of all military services in India is under consideration

Condonation of a Break in Service for Pension

218 ***Mr. S C. Mitra :** (*a*) Is it a fact that the temporary service rendered by a clerk in the Military Accounts Department during the Great War counts for pension, if no gratuity was received for it and if it is followed by pensionable service in another Government Department ?

(*b*) Does the same service also count for pension if followed by service in another Government office, not *immediately* after discharge from the Department, but after one or more short breaks ? If so, what is the authority for it ? If not, why not ?

The Honourable Sir George Schuster : (*a*) and (*b*) The answers to both parts of the question are in the negative in the sense that temporary service does not as of right count towards pension under the rules in the Civil Service Regulations, except according to the provisions of Article 370 in cases where the service has been rendered in an appointment which is subsequently made permanent on the same establishment. As, in the Military Accounts Department, temporary appointments created in the War have not been made permanent, the principle laid down in Article 370 does not apply At the same time the Government of India have discretion, in individual cases, to allow temporary service to count for pension under Article 361A of the Civil Service Regulations and to condone interruptions of service under Article 422 of the same Regulations

CONDONATION OF A BREAK IN SERVICE FOR PENSION

219 *Mr S C Mitra: (*a*) Will Government please state if it is a fact

(*i*) that as a result of the Report of the Inchcape Committee, certain temporary clerks in the Government of India offices were retrenched and that some of them were re-appointed later after *short breaks* in service?

(*ii*) that Government granted special leave up to some specified period to those retrenched temporary men who had put in *more than* four years' continuous temporary service at the time of retrenchment and that that period, although without any appointment, was not considered a break in service?

(*iii*) that, among others, a temporary clerk in the Department of Education, Health and Lands whose service was *less than* four years in the Department when he was retrenched was enabled to avail himself of the leave concession by the break between his service in that Department and some other previous service elsewhere being *condoned*?

(*b*) If the reply to part (*ii*) above be in the affirmative, will Government be pleased to state whether the breaks in the service of other clerks referred to in (*i*) above (between retrenchment and reappointment in another permanent vacancy) has been condoned generally to enable all of them to count their temporary or officiating service before the break for the purposes of leave and pension? If not, why not?

The Honourable Mr H G Haig: (*a*), (*i*) and (*ii*) I would refer the Honourable Member to the reply given to part (1) of the Honourable Maulvi Muhammad Yaqub's question No 875 on the 28th March last

(*iii*) It is not a fact that the break was condoned in the case of the clerk in question He was allowed two months' leave on average pay as a special case

(*b*) The Honourable Member is referred to the reply given to part (2) of the question mentioned above

PENALTY PAYABLE FOR CARRYING UNBOOKED LUGGAGES

220 *Mr S C Mitra: (*a*) Is it a fact that all the railways have fixed a maximum limit up to which penalty is payable by those travelling without tickets?

(*b*) Is it a fact that no maximum has been prescribed in the case of penalty payable by those carrying unbooked luggage in excess of the free allowance?

(*c*) If the answer to parts (*a*) and (*b*) be in the affirmative, do Government propose to consider the desirability of prescribing a maximum limit as in the case of those travelling without tickets?

Mr A A L. Parsons: (*a*) The maximum limit referred to is fixed by section 113 of the Indian Railways Act, No IX of 1890

(*b*) No maximum sum payable as a penalty has been prescribed but the amount payable is the full freight chargeable on the luggage carried, no free allowance being permitted.

(*c*) Government do not propose to prescribe a maximum sum payable.

HOURS OF CLEARANCE OF LETTER BOXES IN COLABA.

221. *Mr. S. C. Mitra : (*a*) Is it a fact that some of the letter boxes in Colaba are cleared at 13-30 hours ?

(*b*) Is it a fact that these letter boxes are not cleared between 10-00 and 13-00 hours ?

(*c*) Is it a fact that the Frontier Mail leaves Colaba at 13-00 hours ?

(*d*) Is it a fact that mails for the Punjab, etc., are conveyed by this train ?

(*e*) Are Government prepared to revise the hours of clearance of the letter boxes in Colaba to provide for a clearance about an hour before the departure of the Frontier Mail ?

Mr H A. Sams (*a*) Yes , all the street letter boxes in the area of Colaba Town Sub-Office are cleared between 13-15 and 13-45 hours

(*b*) No , they are cleared between 11-30 and 12-00 hours

(*c*) Yes

(*d*) Yes

(*e*) The facility asked for already exists

DIRECTORY OF GAZETTED OFFICERS OF THE GOVERNMENT OF INDIA

222 *Mr S C Mitra (*a*) Do Government publish any Directory of the Gazetted Officers of the Government of India ? If so, after what intervals ?

(*b*) Is this publication for public use ? If so, how is its publication notified for the information of those who may like to purchase it ?

(*c*) Is this publication specially for the use of the Government of India offices ? If so, are its copies supplied to all the Departments and is any intimation sent to the various Departments when it is published ?

The Honourable Mr H G Haig (*a*) Yes The Government of India Directory is published twice a year

(*b*) and (*c*) This publication is intended both for official and public use and is on sale It is advertised in the Catalogue of Government of India publications, and also in the monthly book list published by the Central Publication Branch Calcutta

ASSIGNMENT OF POLICIES UNDER THE POSTAL INSURANCE FUND

223. *Mr S. C Mitra : (*a*) Is it a fact that the Postal authorities have prescribed a particular form of assignment of policies issued under the Postal Insurance Fund ?

(*b*) Is it a fact that they refuse to register assignments which though legally valid, are not exactly in accordance with the prescribed form ?

(*c*) Will Government please state why it is necessary to adhere strictly to the prescribed form ?

(*d*) Is it a fact that conditional assignments are not registered ? If so, will Government please state the reasons ?

Mr. H. A. Sams (*a*) The Postal authorities have prescribed a particular form of assignment of policies issued under the Post Office Insurance Fund as a guide to assist policy-holders

(*b*) No, so long as the form is the same in substance as the form to which I have just referred

(*c*) Does not arise

(*d*) Yes, Government do not accept conditional assignments as legal complications might arise

CRIMINAL SUITS FILED BY THE NEW DELHI MUNICIPALITY AGAINST RESIDENTS AND SHOPKEEPERS IN NEW DELHI.

224. **Mr S C Mitra** : Are Government aware that the general practice in New Delhi Municipality is to file criminal suits against residents and shopkeepers in New Delhi for violation of municipal by-laws without warning or serving previous registered notices on those against whom they propose to take criminal action ? If so, why ?

Sir Frank Noyce No

PROVISION OF ADDITIONAL ACCOMMODATION IN NEW DELHI FOR ARMY HEADQUARTERS OFFICES

225 ***Mr. S. C. Mitra** : (*a*) Is it a fact that owing to limited accommodation in the Imperial Secretariat Buildings in New Delhi only a portion of Army Headquarters Offices moved down from Simla to Delhi last winter ?

(*b*) When do Government propose to provide accommodation in Delhi for the whole of Army Headquarters ?

Mr G M. Young (*a*) The proportion of Army Headquarters Offices moving to Delhi each year is regulated primarily by administrative requirements, and not by the amount of office accommodation available

(*b*) There is no such proposal, as it was never intended that the whole of Army Headquarters should move to Delhi

GRANT OF HOUSE RENT AND SECRETARIAT RATES OF PAY TO CLERKS OF ARMY HEADQUARTERS

226 ***Mr S. C. Mitra** : (*a*) Is it a fact that the question of the grant of house rent and Secretariat rates of pay to clerical establishments of Army Headquarters is under consideration ?

(*b*) Will Government please state how this matter stands at present ?

Mr. G M Young : (*a*) Yes

(*b*) No decision has yet been reached.

ABOLITION OF THE POST OF ESTABLISHMENT OFFICER, ARMY DEPARTMENT.

227. ***Mr. S C. Mitra** : (*a*) Is it a fact that the question of the abolition of the appointment of Establishment Officer, Army Department, is under consideration ?

(*b*) Is it a fact that leave reserves have now been established in all Branches of Army Headquarters ?

(*c*) Is it a fact that one of the principal functions of the Establishment Officer was to recruit personnel for leave vacancies in the clerical establishments ?

(*d*) If the answer to parts (*b*) and (*c*) be in the affirmative, do Government propose to abolish the post of Establishment Officer ?

Mr G M Young (*a*) No, Sir

(*b*) Yes

(*c*) No.

(*d*) Does not arise

ABOLITION OF THE POST OF ESTABLISHMENT OFFICER, ARMY DEPARTMENT.

228 ***Mr. S C Mitra** : (*a*) Is it a fact that Attached Offices of the various Departments of the Government of India deal direct with the Public Service Commission in matters pertaining to their ministerial establishment ?

(*b*) Is it a fact that all Branches of Army Headquarters have their separate establishment sections like Attached Offices ?

(*c*) Is it a fact that establishments of Branches are distinct from each other and that each Branch has its separate seniority roll ?

(*d*) If the answers to parts (*a*), (*b*) and (*c*) be in the affirmative, will Government please state why the Branches of Army Headquarters cannot deal direct with the Public Service Commission ?

Mr. G M Young : The information desired by the Honourable Member will be found in the reply given in the Council of State on the 17th September, 1927 to question No 213 and in the replies given in this House on the 11th September, 1928, and 2nd September, 1929, to starred questions Nos. 407 and 10, respectively.

ABOLITION OF THE POST OF ESTABLISHMENT OFFICER, ARMY DEPARTMENT.

229 ***Mr. S C Mitra** : (*a*) Is it a fact that most of the work pertaining to the clerical establishment of the Army Department Secretariat has been entrusted to the Personal Assistant to the Army Secretary ?

Mr. G M Young : Most of the work in question is dealt with by the Personal Assistant, but under the control of the Establishment Officer

MEDICAL ATTENDANCE ON GOVERNMENT EMPLOYEES IN SIMLA

230 ***Mr S C. Mitra** : (*a*) Will Government please lay on the table a copy of the Education Department Resolution No 780, dated the 12th December, 1922, regarding medical attendance on Government employees ?

(*b*) Is it a fact that Government of India employees are required to pay fees for their operations performed by the Civil Surgeon in the Ripon Hospital, Simla, and X-rays, etc. ?

(*c*) If the reply to part (*a*) be in the affirmative, have Government considered the question of the advisability of making all such treatment free ? If not, why not ?

Sir Frank Noyce: (*a*) A copy of the Department of Education, Health and Lands Resolution No 780, dated the 12th December, 1922, has been placed in the Library of the House

(*b*) No, provided in the case of X-Ray treatment that such treatment has been prescribed by the official medical attendant of the Government servant concerned.

(*c*) Does not arise

MEDICAL ATTENDANCE ON GOVERNMENT EMPLOYEES IN SIMLA.

231 ***Mr. S. C Mitra**: (*a*) Is it a fact that the establishments of the Government of India Secretariat and Army Headquarters are entitled to requisition the services of prescribed medical officers at their residences in cases of serious illness ?

(*b*) Are Government aware that the doctors paying visits to the houses of such patients accept fees if offered to them ?

(*c*) Are Government prepared to issue instructions that in the case of those entitled to free medical aid payment of fees to doctors is prohibited and should not be accepted by the latter ?

Sir Frank Noyce: (*a*) Yes

(*b*) Government are not aware of any cases in which the doctors have accepted fees

(*c*) Does not arise

SHORTAGE OF RESIDENTIAL QUARTERS IN NEW DELHI

232 ***Mr. S C Mitra**: (*a*) Is it a fact that the Government of India collected information six months ago regarding the total establishment of each of the Government of India Secretariat, Attached and Subordinate Offices permanently located at Delhi or moving to Delhi and the number wishing to reside in New Delhi if residential accommodation is available ? If so, what are the total figures for "C" and "D" class orthodox quarters ?

(*b*) What is the total number of residential quarters that will be available for them next winter ?

(*c*) When do Government propose to construct a sufficient number of quarters to accommodate all the establishments of the civil and military offices in New Delhi ?

The Honourable Sir Joseph Bhore: (*a*) Information of the nature referred to has been collected but the figures for "C" and "D" class orthodox quarters have not been worked out separately

(*b*) 1208 quarters, *viz*, 238 "C" and 970 "D" class orthodox quarters

(*c*) The matter is under consideration.

PROVISION OF A ZOO AND MUSEUM IN NEW DELHI

233 ***Mr. S. C. Mitra**: (*a*) Is it a fact that there is no zoological and botanical garden in New Delhi ?

(*b*) Do Government propose to convert one of the parks into a garden ? If so, when ?

(*c*) Do Government propose to provide a museum in New Delhi ? If so, when ?

Mr. G S Bajpai : (*a*) Yes

(*b*) No such proposal is under consideration at present

(*c*) Yes, a museum of Central Asian antiquities already exists in Delhi The question of constructing a larger museum is held up at present because of financial stringency

CHECKING OF ACCOUNTS OF BRANCHES IN ARMY HEADQUARTERS

234. ***Mr. S. C Mitra** : (*a*) Is it a fact that Branches of Army Headquarters keep imprest advances ?

(*b*) What are the arrangements for checking accounts of Branches and for ensuring that the imprest money is properly utilised ?

(*c*) Have the accounts been ever checked by the Accounts Department ? If so, when were they last checked ?

(*d*) Are Government prepared to issue instructions for the periodical inspection of accounts by members of the Audit Department ? If not, why not ?

The Honourable Sir George Schuster (*a*) Yes

(*b*) and (*c*) Accounts supported by vouchers for all amounts expended out of the imprest are rendered monthly, or more often if necessary, to the Military Accounts Department Cheques in recoupment of the amounts so spent are issued by the Military Accounts Department to Branches of Army Headquarters It is thus seen by audit that amounts are correctly utilized out of imprest advances

(*d*) The question does not arise as the accounts are regularly audited

DATE OF THE MOVE OF GOVERNMENT OF INDIA OFFICES FROM NEW DELHI TO SIMLA

235. ***Mr. S. C. Mitra** : (*a*) Is it a fact that usually the date of move of the Government of India offices from New Delhi to Simla is determined, not by the heat at Delhi but by the date on which the business of the Legislature is finished ?

(*b*) Are Government aware that sometimes the offices move up so early that most of the clerks and their children fall sick on account of the biting cold at Simla in the beginning of April ?

(*c*) Do Government propose to consider the question of keeping the Government of India offices at Delhi at least for seven months in the year ? If so, when ?

The Honourable Mr H G Haig : (*a*) The conclusion of the Delhi session of the Legislature is obviously an important factor which is taken into consideration in fixing the date of the move of the Government of India from Delhi to Simla

(*b*) The Government have no reason to think that the dates fixed by them for the move to Simla are such that the health of their staff is adversely affected.

(*c*) I would refer the Honourable Member to the answer which was given by Sir James Crerar on the 28th January, 1929, to Khan Bahadur Sarfaraz Hussain Khan's unstarred question No 95.

DETENTION OF ATTACHED AND SUBORDINATE OFFICES IN NEW DELHI

236 ***Mr S C Mitra** : (*a*) Will Government state the names of the Attached and Subordinate Offices which have stopped moving to Simla ?

(*b*) Is it a fact that cooling apparatus has been installed in the Secretariat Buildings in New Delhi ?

(*c*) Are any more offices likely to be detained at Delhi next year ? If not, why not ?

The Honourable Mr H. G Haig (*a*) The Honourable Member is referred to the answers given by Sir James Crerar on the 15th February, 1928, and 9th September, 1929, to questions Nos 93 and 250, respectively, by Mr Kelkar and the Honourable Maulvi Muhammad Yakub

(*b*) Yes , the cooling apparatus has been installed in certain portions of the Secretariat Buildings

(*c*) It has not yet been found possible, with due regard to administrative convenience, to detain any more offices in Delhi for the summer months

PROVISION OF SHOWER BATHS IN GOVERNMENT QUARTERS IN NEW DELHI

237 ***Mr S C Mitra** (*a*) Is it a fact that arrangements for shower bath are provided in the orthodox Chummeries (single quarters) in New Delhi ?

(*b*) What would be the cost per quarter for providing the same in the family quarters in New Delhi ?

(*c*) Do Government propose to consider the advisability of providing shower bath arrangements in all bath rooms in New Delhi Government quarters ? If not, why not ?

The Honourable Sir Joseph Bhore (*a*) The reply is in the affirmative

(*b*) The cost would vary with the class of quarters, but the probable cost would be

	Rs
in A class Orthodox quarters	30
in B class Orthodox quarters	20
in C and lower class Orthodox quarters	10

(*c*) No The total cost involved would be heavy and Government are not aware that any general demand exists for these conveniences

INSTALLATION OF THE FLUSH SYSTEM IN ALL RESIDENCES IN NEW DELHI

238. ***Mr S. C. Mitra** : (*a*) Is it a fact that flush latrines are provided in orthodox Chummeries in New Delhi ?

(*b*) What would be the cost per quarter for providing similar arrangements in other residential quarters in New Delhi ?

(*c*) Do Government propose to instal the flush system in all family quarters in New Delhi ? If not, why not ?

The Honourable Sir Joseph Bhore : (*a*) The reply is in the affirmative.

(*b*) The cost would vary with the type of house from Rs 2,500 for an A class Officer's bungalow to Rs 300 for the smallest type of quarters

(*c*) The installation of the flush system in all family quarters would involve a very heavy expenditure and Government are not therefore prepared to consider the matter at present

VACANT PIECES OF LAND IN NEW DELHI

239. ***Mr. S C Mitra** (*a*) Is it a fact that small pieces of land are lying vacant on the Baird Road (in front of shops), near the Electric Power House, on one side of Queen Mary's Avenue, behind the Raja Bazaar Square and Cantonment Road orthodox quarters and on one side of Lady Hardinge Road ?

(*b*) Will Government please state what these tracts are reserved for, and why Government have not so far constructed quarters or shops on the vacant land ?

The Honourable Sir Joseph Bhore (*a*) Yes

(*b*) The plots are reserved for future requirements No decision has been arrived at regarding their disposal, but it is probable that all these sites will be required for further Government quarters

COAL-TARRING OF BAIRD ROAD, NEW DELHI

240 ***Mr S C Mitra** (*a*) Is it a fact that Baird Road has got a large number of quarters and Municipal and private shops on it in New Delhi ?

(*b*) Is it also a fact that on one end of the road there is a Convent School and on the other Lady Hardinge Medical College and Hospital ?

(*c*) Is it a fact that it is not coal-tarred and are Government aware that the heavy motor and other traffic on it makes it a cause of great nuisance for those residing in the quarters on the road ?

(*d*) Do Government propose to have it coal-tarred ? If so, when ? If not, why not ?

The Honourable Sir Joseph Bhore : (*a*) and (*b*) Yes

(*c*) and (*d*) The road has not yet been bituminised, but it is hoped to do this during the current year

DIRECT RECRUITMENT OF CLERICAL STAFF OF CERTAIN OFFICES.

241. ***Mr. S. C. Mitra** : (*a*) Will Government please give a list of Government of India offices which are permitted to recruit their clerical establishments otherwise than through the Public Service Commission ?

(*b*) Will Government please state the reasons for relaxing the condition of passing the Public Service Commission examination in the case of personnel recruited for such offices ?

The Honourable Mr H. G Haig : (*a*) So far as I am aware the offices which have been permitted to recruit their clerical establishments otherwise than through the Public Service Commission are

(1) The Contracts Directorate of the Master General of Ordnance's Branch

(2) The Finance Department (Civil and Military) in respect of technical men required for budget work

(3) The Railway Board, in respect of technical staff from Railways

(4) The Office of the Director, Intelligence Bureau, Home Department, in respect of certain posts only

(5) The Central Cypher Bureau of the Foreign and Political Department

(*b*) I would refer the Honourable Member to part (*c*) of the reply given to the Honourable Maulvi Muhammad Yakub's question No 207 on the 5th September, 1929

RESULTS OF THE LAST MINISTERIAL BRANCH EXAMINATION OF THE PUBLIC SERVICE COMMISSION

242 ***Mr. S. C. Mitra** : (*a*) Is it a fact that there have been numerous interpellations in the Legislative Assembly with regard to the drastic nature of the results of the last ministerial branch examination held by the Public Service Commission ?

(*b*) Is it a fact that in spite of numerous questions, information has not been furnished as to the percentage of marks that were required to be obtained in order to secure a pass in the First or Second Division ?

(*c*) If the answer to (*b*) be in the affirmative, will Government please state the reasons for their inability to do so ?

(*d*) Is it a fact that out of 425 candidates for the First Division only 17 were declared successful ?

(*e*) Is it a fact that of these 17, eight were stenographers ? If so, was any preference given to them on the grounds that they were qualified stenographers ?

(*f*) How many of the successful candidates were graduates ?

The Honourable Mr. H G. Haig . (*a*) There have been several interpellations in the Legislative Assembly with regard to the results of the examination to which the Honourable Member refers

(*b*), (*c*) and (*d*) The answers to these questions will be found in the reply which the Honourable Sir James Crerar gave to the Honourable Member's question No 659 on the 19th March, 1930.

(*e*) Out of the 17 successful candidates 8 were qualified stenographers but no preference was given to them on this ground.

(*f*) Five

STAFF SELECTION BOARD EXAMINATION OF 1920

243. ***Mr S C Mitra** : (*a*) Is it a fact that in the examination held by the Staff Selection Board in 1920 the minimum educational qualification prescribed for the First Division for all Indian candidates was the B A degree ?

(*b*) Is it also a fact that certain candidates who did not possess this qualification were declared as passed for the First Division as they were considered to have obtained sufficient marks for the purpose ?

(*c*) If the replies to the above be in the affirmative, will Government please state how many of the candidates referred to in (*b*) were departmental and how many outsiders ?

The Honourable Mr H G Haig : (*a*) and (*b*) External candidates were required to possess a degree but this qualification was waived in the case of departmental candidates seeking admission to the examination in question

(*c*) Does not arise

STAFF SELECTION BOARD EXAMINATION OF 1920

244 ***Mr. S C. Mitra** : (*a*) Is it a fact that the Staff Selection Board examination of 1920 was a qualifying one ?

(*b*) Is it a fact that the qualifications and rules for the examination published in the Board's communiqué of 1920 applied equally to departmental and outside candidates ?

(*c*) Is it also a fact that some of the departmental men who had appeared for the *Lower* Division were declared qualified for the *First* Division on account of high marks obtained by them ?

(*d*) If the replies to the above be in the affirmative, are the outside candidates also entitled to the same treatment ?

The Honourable Mr H G Haig : (*a*) Yes

(*b*) No Concessions in the matter of age and educational qualifications were recognised in favour of departmental candidates

(*c*) Yes

(*d*) Does not arise

PROBATIONARY PERIOD FOR CANDIDATES FOR THE STAFF SELECTION BOARD EXAMINATION IN 1920

245. ***Mr. S C. Mitra** (*a*) Is it a fact that the probationery period prescribed in the Staff Selection Board's communiqué of 1920 was one year ?

(*b*) Is it also a fact that most of the candidates who passed the 1920 examination had to remain unconfirmed for several years, not because they were not considered fit, but owing to financial stringency ?

(*c*) Is it a fact, that in view of the hardship involved, the Government allowed some increments to those who were confirmed in 1924 ?

(*d*) Do Government propose to extend the same concession to those who were confirmed *still later* and had to suffer loss of increments for more than four years without any fault ? If not, why not ?

The Honourable Mr H. G Haig . (*a*) The period of probation is ordinarily one year but confirmation depends, among other things, on the occurrence of vacancies

(*b*) I am not aware that any candidates appointed on probation to definite posts remained unconfirmed after a year but it is the case that some candidates who passed in 1920 were not confirmed for a considerable period owing to lack of permanent vacancies

(*c*) It was not possible to evolve any general principle for application to all cases but relief was given in cases of hardship, by the grant of advance increments on the merits of each case

(*d*) The rule is that the minimum of the scale is drawn only on confirmation, and as I have already explained, cases of hardship have been dealt with on merits The reply therefore is in the negative

PAUCITY OF MUSLIM TEACHERS IN AJMER-MERWARA

246 ***Mr Abdul Latif Saheb Farookhi** (*a*) Will Government please state if it is a fact that, in reply to a question in the Legislative Assembly on the 14th September, 1925, drawing attention to the extremely low number of Muslim teachers in the employ of the Ajmer-Merwara Administration, Government promised that the claims of suitable Muhammadans would receive consideration at the hands of the local Administration ?

(*b*) Is it a fact that in 1925, September, the number of Muslim teachers in the Government employment in Ajmer-Merwara, excluding the Moinia Islamia High School was 23 out of a total number of 229 teachers ?

(*c*) Is it a fact that there are at present only about nine permanent Muslim teachers out of a total number of about 250 teachers drawing salaries from the Imperial and District revenues in the boys' vernacular schools in Ajmer-Merwara under the authority of the Assistant Superintendent of Education Ajmer-Merwara ? If this number is not correct will Government kindly state (1) the total number of teachers, and (2) the total number of Muslim teachers in the said schools ?

(*d*) Is it a fact that the appointments of teachers in vernacular schools in Ajmer-Merwara getting salaries up to Rs 40 per mensem is made by Mr P B Joshi, the Assistant Superintendent of Education, by his own orders and on his own authority without obtaining the sanction of the Superintendent of Education and that appointments above Rs 40 in the said schools are made by promotion from lower grades by the Superintendent of Education on the recommendations of his Assistant Superintendent of Education ? Will Government kindly state who delegated this power to the Assistant Superintendent of Education, and under what authority and on what understanding ?

(*e*) Is it a fact that nothing effective has been done in giving Muslims adequate representation in the vernacular schools in Ajmer-Merwara since the Government reply referred to in (*a*) above and that the assurance given by the Government of India in the Legislative Assembly in 1925 has been disregarded by the Assistant Superintendent of Education in making appointments on his own authority with the result that the number of Muslims in these schools has further deplorably gone down ?

Sir Frank Noyce : With your permission, Sir, I shall deal with questions Nos 246—255 and 257 together The information asked for is being collected and will be supplied to the Honourable Member as soon as it is available

PAUCITY OF WOMEN TEACHERS IN AJMER-MERWARA

†247 ***Mr Abdul Latif Saheb Farookhi** Is it a fact that out of 36 women teachers in Ajmer-Merwara there is only one Muslim woman teacher, and that the rest are all Hindus ? Will Government kindly state the reasons ?

DISCONTENT AMONGST TEACHERS IN AJMER-MERWARA

†248 ***Mr Abdul Latif Saheb Farookhi** Will Government kindly state when the combined cadre was sanctioned by the Government of India, and when it was sent by the Ajmer-Merwara Administration to the Superintendent of Education ? Will Government kindly state the reasons why no action has yet been taken on the combined cadre ? Who is responsible for this extraordinarily long delay ? Are Government aware that there is much discontent among the teachers for this delay ?

GRIEVANCES OF MUSLIMS AGAINST MR P B JOSHI, ASSISTANT SUPERINTENDENT OF EDUCATION, AJMER-MERWARA

†249 ***Mr Abdul Latif Saheb Farookhi** : (*a*) Is it a fact that there has been considerable discontent among the Muslims in regard to education in Ajmer-Merwara since Mr P B Joshi's appointment as Assistant Superintendent of Education in 1925 ?

(*b*) Is it a fact that the discontent referred to in part (*a*) above has been increasing every year since 1925 owing to the unsympathetic attitude of Mr Joshi towards Muslims ?

(*c*) Is it a fact that the relations between the Hindus and Muslims in Ajmer-Merwara have been embittered by Mr Joshi's activities in the Education Department ?

(*d*) Is it a fact that the unsympathetic attitude of Mr Joshi referred to in part (*c*) above has been expressed by means of newspaper articles, representations and memorials to Government and by questions in the Legislature ?

(*e*) If what are stated in parts (*a*) to (*d*) are correct, what steps do Government propose to take against the said Mr P B Joshi, Assistant Superintendent of Education ?

WASTE OF GOVERNMENT MONEY ON THE CENTRAL GIRLS' SCHOOL, AJMER.

†250. ***Mr. Abdul Latif Saheb Farookhi** : (*a*) Will Government please state if it is a fact that there are only 32 students in the Government Central Girls' School, Ajmer ? If it is not a fact, will Government please state the total number of the students at present on the rolls of the said school ?

(*b*) Is it a fact that the said school has only four classes and six teachers ?

†For answer to this question, see answer to question No 246

(*c*) Is it a fact that about Rs 1,000 per month are spent in running the said school ?

(*d*) What is the annual expenditure per student in the said school ?

(*e*) Is it a fact that the recurring expenditure incurred by Government per student in the said school is far greater than the expenditure per student incurred by Government in any other girls' school in British India ?

(*f*) If the reply to part (*e*) be in the affirmative, what steps do Government propose to take to put a stop to the enormous waste of Government money in running the Government Central Girls' School, Ajmer ?

CLASSES IN THE GOVERNMENT CENTRAL GILRS' SCHOOL, AJMER

†251 ***Mr Abdul Latif Saheb Farookhi** : (*a*) Will Government please state if it is a fact that over and above the four sanctioned classes there is in the Government Central Girls' School, Ajmer, a coaching class which has not been sanctioned by competent authority ?

(*b*) Is it a fact that the girls of the said coaching class are of various educational attainments and that they study diverse courses ?

(*c*) Is it a fact that the Head Mistress of the said school has entered the names of the girls of the said coaching class in the attendance register of class V whose course of teaching is quite different from the courses of the coaching class girls ? If so, are Government aware that the said action of the said Head Mistress makes the number of the students of class V greater than it actually is ?

(*d*) What action do Government propose to take in the matter ?

VISITS PAID TO CERTAIN SCHOOLS BY THE ASSISTANT SUPERINTENDENT OF EDUCATION, AJMER-MERWARA

†252 ***Mr. Abdul Latif Saheb Farookhi** : (*a*) Will Government please state the distances of the following primary schools in Ajmer-Merwara from Pisangan (Ajmer-Merwara) and also their distances from one another Govindgarh, Nand, Bhagwanpura, Dantra, and Nagelav ?

(*b*) Will Government please put on the table of the House a statement concerning each of the primary schools referred to in part (*a*), showing (*i*) the dates of the visits paid to it by Mr P B Joshi, Assistant Superintendent of Education, Ajmer-Merwara in 1927, 1928, and 1929, (*ii*) the number of the inspection notes in the handwriting of Mr P B Joshi in the inspection note books of the school in 1927, 1928, and 1929, (*iii*) the amount of travelling allowance drawn from Government by the said Mr P B Joshi for each visit to the school, together with the place from which and the places to which the travelling allowance was charged, in 1927, 1928, and 1929 ?

LACK OF ENGLISH TEACHING AT THE PISANGAN VERNACULAR SECONDARY SCHOOL.

†253 ***Mr Abdul Latif Saheb Farookhi** : (*a*) Will Government please state if it is a fact that the vernacular secondary school of Pisangan

†For answer to this question, *see* answer to question No 246

in Ajmer-Merwara is older than the vernacular secondary school of Saradhna in Ajmer-Merwara ?

(*b*) Is it also a fact that Mr P B Joshi the Assistant Superintendent of Education, Ajmer-Merwara, arranged to give the privilege of English as an optional subject to the Saradhna secondary school and not to the Pisangan secondary school ?

(*c*) Is it also a fact that Pisangan is a much more populous town than Saradhna ?

(*d*) Is it also a fact that a police station and a Government dispensary are also located in Pisangan, whereas there is no police station or Government dispensary in Saradhna ?

(*e*) Is it also a fact that the number of Government servants posted in Pisangan is far greater than the number of Government servants posted in Saradhna ?

(*f*) If the replies to the question in parts (*a*) to (*e*) above are facts, why was not the privilege of English teaching given to the Pisangan school, before or along with, the Saradhna school ?

(*g*) Is it a fact that the present Sub-Inspector of Police, Pisangan, has been compelled to send his son for his education to the Saradhna vernacular secondary school boarding house for want of provision for English teaching in the secondary school, Pisangan ?

(*h*) Are Government aware that Mr C C Watson, then Commissioner, Ajmer-Merwara, made a special mention of the excessive poverty of the peasants of Pisangan Istimrari area in 1922 and 1923 after personal inspection of the Pisangan locality ?

(*i*) Are Government aware that Pisangan peasants are at present unable to give their children any education in English in consequence of the want of provision for English teaching in the Pisangan school and of their poverty which does not allow them to send their children outside for education ?

(*j*) Do Government propose to start the teaching of English in the secondary school, Pisangan ?

HELP RENDERED TO THE ISTIMRARDAR OF PISANGAN BY MR P B JOSHI, ASSISTANT SUPERINTENDENT OF EDUCATION, AJMER-MERWARA

†254 ***Mr. Abdul Latif Saheb Farookhi** : (*a*) Has the attention of Government been drawn to a leading article entitled " Pisangan's memorial to the Viceroy " published at pages 8 and 10 of the *State's Weekly*, Ajmer, dated the 28th March, 1930 ?

(*b*) Have Government made an inquiry into the part played by Mr P B Joshi, Assistant Superintendent of Education, Ajmer-Merwara, in helping the Istimrardar of Pisangan in his disputes with his tenants, referred to in the said article ? If so, will Government please communicate to this House the result of the inquiry ?

†For answer to this question, *see* answer to question No 246

VISITS PAID TO SCHOOLS BY MR P B JOSHI, ASSISTANT SUPERINTENDENT OF EDUCATION, AJMER-MERWARA

†255 ***Mr Abdul Latif Saheb Farookhi** : (*a*) In response to questions in the Legislature last Session the Government stated that Mr P B Joshi, Assistant Superintendent of Education, Ajmer, paid nine visits to Pisangan only in 1927, 1928 and 1929, in addition to passing through Pisangan at other times, but that he recorded no inspection note in the log book of the Pisangan vernacular school Will Government kindly now state the object of Mr Joshi's visit to Pisangan at Government expense ?

(*b*) Is it a fact that the Pisangan school has remained without any inspection for the last five years ?

(*c*) Will Government kindly state how many vernacular middle schools have been visited by the Assistant Superintendent of Education in the last three years and how many inspection notes have been recorded by him on the log books of the schools visited by him ? Will Government kindly place on the table various inspection notes on the log books of the schools visited ?

(*d*) If no inspection notes have been recorded, will Government kindly state the object of such visits, stating at the same time what are the exact duties of the Assistant Superintendent of Education with regard to these schools ?

MALADMINISTRATION OF THE EDUCATION DEPARTMENT IN AJMER-MERWARA

256 ***Mr. Abdul Latif Saheb Farookhi** . Will Government lay on table all the questions and replies given by Government on the maladministration of the Education Department in Ajmer-Merwara since 1927 ? Will Government kindly state what action has been taken by them on the irregularities and grievances brought to their notice by such questions ?

Sir Frank Noyce As regards the first part of his question, I must refer the Honourable Member to the proceedings of the Legislative Assembly I regret that I am unable to accede to the request made in the second part of his question as the collection of the information asked for would involve an expenditure of time and trouble which would hardly seem justified I may, however, inform him that Government have decided to appoint a whole-time Superintendent of Education for Ajmer-Merwara, Delhi and Central India They trust that as a result of this appointment, there will be an improvement in the administration of educational affairs in these areas

RESULTS AND TEACHERS OF THE NORMAL SCHOOL, AJMER

†257 ***Mr Abdul Latif Saheb Farookhi** : (*a*) Will Government kindly state the results, with percentage, in 1927, 1928, and 1929 of the C T examination in the Normal School, Ajmer, as also in the year 1930 ?

(*b*) Will Government kindly state the results, with percentage, in 1928 and 1929 of V. T and P. T certificate examination in the Normal School, Ajmer, as also in the year 1930 ?

(*c*) Is it a fact that the Muslim Headmaster of the Normal School and the Muslim Head Teacher of the Model School attached to the Normal

† For answer to this question, *see* answer to question No 246

School for practising have been replaced by Hindu Headmasters, and that all the teachers in the Normal School and the Model School, are of Arya Samajist tendencies ? If so, why ?

STRENGTH AND COMMUNITIES OF EMPLOYEES IN THE OFFICE OF THE PUBLIC SERVICE COMMISSION

258 ***Mr Abdul Latif Saheb Farookhi** (*a*) Will Government be pleased to lay on the table a statement showing the strength of the assistants, clerks and stenographers employed in the office of the Public Service Commission , the number of Hindus, Muslims, Anglo-Indians, Sikhs, Christians, etc , in each category on (*i*) the 1st April, 1929, and (*ii*) at present ?

(*b*) How many vacancies occurred since 1st April 1929, in the different categories and how were they filled ?

The Honourable Mr H G Haig (*a*) A statement is laid on the table

(*b*) Three permanent vacancies have occurred in the grade of clerk since 1st April, 1929 Two were filled by Hindus and one by an Anglo-Indian

Office establishment of the Public Service Commission

Staff on 1st April, 1929		*Staff on 9th July, 1930*
Assistants		
Hindus	3	3
Muhammadans	1	1
	4	4
Clerks.		
Hindus		9
Muhammadans	3	3
Anglo-Indians	1	
Sikhs		1
	12	13
Stenographers		
Hindus	3	3
Muhammadans	1	1
Anglo Indians	1	1
	5	5

Grand Total 21

Hindus	14	Hindus	15
Muhammadans	5	Muhammadans	5
Anglo Indians	2	Anglo Indians	1
		Sikhs	1

Mr. Abdul Latif Saheb Farookhi . Why were not the claims of the Muslims taken into consideration at the time the vacancies occurred and the appointments were made ?

The Honourable Mr. H. G. Haig : I think the claims of Muslims were considered, but that is a matter which might be further pursued with the Public Service Commission

APPOINTMENT OF PROBATIONARY SUPERINTENDENTS OF POST OFFICES

259 ***Mr Abdul Latif Saheb Farookhi** : (*a*) Will Government please state if it is a fact that the selection of candidates for appointment as Probationary Superintendents of Post Offices is made from amongst those candidates who qualify at the Indian Audit and Accounts Service examination held annually by the Public Service Commission ?

(*b*) If the answer to part (*a*) be in the affirmative, will Government be pleased to state the principles according to which the selection is made ?

(*c*) Is it a fact that on many occasions in the past, candidates who were down below in the list of the examination were selected for appointment as Probationary Superintendent of Post Offices in preference to the candidates who figured high in the list ? If so, will Government be pleased to state the reasons in each case ?

(*d*) Did Government ever consider the desirability of giving over the work of recruitment for this service to the Public Service Commission and if so what decision was arrived at ? Was the Public Service Commission consulted on the subject and what were its views ?

(*e*) How many candidates were selected for appointment as Probationary Superintendent of Post Offices during the last three years, and how many Muslim candidates were selected each year ?

The Honourable Sir Joseph Bhore : (*a*) Yes Recruitment for vacancies in any official year is made from among the candidates who had appeared and qualified at the examination held in the preceding year

(*b*) The present method of recruitment was introduced from the 1st January, 1929 Recruitment in accordance with it commenced from the examination held in December, 1928, and a selection of the candidates who were considered most suitable was made from those who had appeared and qualified at that examination It was decided in December, 1929, that in future the selection of recruits both from the majority and minority communities should be made in the order in which the candidates are placed in the list published by the Public Service Commission showing the result of the Indian Audit and Accounts Service Examination, a limited preference being given to sons and relatives of employees or ex-employees of the Posts and Telegraphs Department

(*c*) The fact is not as stated Seeing that the system was only introduced in 1929, there could not have been more than two periods of selection Of the candidates who appeared at the examination held in December, 1928, five were selected in 1929 One Hindu who was selected was first amongst those who had qualified but did not succeed in getting into the Indian Audit and Accounts Service The Muhammadan who stood first amongst the Muhammadan candidates was also selected The other three candidates did not stand high on the list but two of them were selected because they were the sons of employees of the Department and a third, a Muhammadan was selected in order to adjust communal inequalities

(*d*) Yes It was decided, in consultation with the Public Service Commission, that the system described in my replies to parts (*a*) and (*b*) should be introduced experimentally, the question whether the recruitment

should subsequently be entrusted wholly to the Commission being reserved for further examination later on.

(*e*) 15 Six of these were Muslims, two having been selected in 1927-28, one in 1928-29 and three in 1929-30

RECKONING OF DELHI CAMP ALLOWANCE AS PART OF EMOLUMENTS FOR RECOVERY OF RENT

260 ***Mr. Abdul Latif Saheb Farookhi** : (*a*) Will Government please state if it is a fact that the Delhi Camp Allowance admissible to incumbents in the Attached Offices is not reckoned for the purpose of making allotment of clerks' quarters in New and Old Delhi but is considered as part of emoluments for the purpose of recovery of rents ?

(*b*) Was this anomaly ever brought to the notice of Government by the Attached and Subordinate Offices Association ? If so, what decision was made by the Government ?

(*c*) Is it a fact that the Delhi Camp Allowance is a compensatory allowance and is free from income-tax and other charges ?

The Honourable Sir Joseph Bhore : (*a*) Yes

(*b*) The matter was brought to the notice of the Government of India on a representation from certain clerks of the office of the Director General, Indian Medical Service, which was rejected

(*c*) Yes

NUMBERS OF MUSLIMS AND NON-MUSLIMS IN THE LADY HARDINGE MEDICAL COLLEGE AND HOSPITAL, NEW DELHI

261 ***Mr Abdul Latif Saheb Farookhi** : (1) Will Government please put on the table of the House a statement showing (*a*) the number of Muslim students, (*b*) the number of non-Muslim students in (*i*) the medical classes, (*ii*) the F Sc classes, of the Lady Hardinge Medical College, New Delhi ?

(2) Will Government please state (*a*) the total number of Muslim students, (*b*) the total number of non-Muslim students of the Lady Hardinge Medical College, New Delhi, who have been successful in obtaining the M B B S degree since the College was established ?

(3) Will Government please state the number of (*a*) the Muslim, (*b*) the non-Muslim, members of the staff (including clerks) of the Lady Hardinge Medical College and Hospital, New Delhi ?

(4) Will Government please state the total amount of money paid as salaries to (*a*) Muslim, (*b*) non-Muslim, members of the staffs (including clerks and menial servants) of the Lady Hardinge Medical College and Hospital, New Delhi, in 1929-30 ?

(5) What is the total number of (*i*) Muslims, (*ii*) non-Muslims, employed as menial servants in the Lady Hardinge Medical College and Hospital, New Delhi ?

Sir Frank Noyce : With your permission, Sir, I shall answer questions Nos 261 to 264 together and to the same effect as questions Nos 209 to 211 which I have already answered I regret that I cannot at the

moment supply the information asked for, but it is being collected and will be supplied to the Honourable Member later When the information is available, Government will consider what action, if any, is necessary

APPOINTMENT OF MUSLIMS TO THE LADY HARDINGE MEDICAL COLLEGE AND HOSPITAL, NEW DELHI

†262 ***Mr Abdul Latif Saheb Farookhi** : (*a*) Is it a fact that there has never been a Muslim on the teaching staff of the Lady Hardinge Medical College, New Delhi ?

(*b*) Is it a fact that the proportion of the Muslim students of the Lady Hardinge Medical College to the total number of the students of the said College is exceedingly below what it should be on the population basis ?

(*c*) Is it a fact that almost all the scholarships from the College or Dufferin Funds are given to the non-Muslim students of the said College and that with a few exceptions Muslim students of the said College are prosecuting their studies without scholarships from the said funds ?

(*d*) Is it a fact that even on the menial staff of the said College and its Hospital the proportion of Muslim employees to the total number of employees is much below what it should be on the population basis ?

(*e*) Do Government propose to reserve an adequate number of seats and an adequate number of scholarships for Muslim students in the said College ?

(*f*) Are Government prepared to appoint non-Muslims to any vacancies that may occur in the said College and Hospital only when suitable Muslims have obtained adequate representation on the staffs of the said College and Hospital (including clerks and menial servants) ?

DISCOURAGEMENT OF MUSLIM STUDENTS AT THE LADY HARDINGE MEDICAL COLLEGE, NEW DELHI

†263 ***Mr Abdul Latif Saheb Farookhi** : (*a*) Is it a fact that four Muslim students were admitted to the 1st year Science class and one Muslim student to the medical class of the Lady Hardinge Medical College, New Delhi, in 1929 ? If so, what percentage of the total number of students admitted to the said College in the said year did those Muslim students form ?

(*b*) Is it a fact that none of the Muslim students referred to in part (*a*) was given a scholarship from the College or Dufferin Fund ? If so, why ?

(*c*) Is it a fact that one of the Muslim students referred to in part (*a*) was discharged from the College on the ground of ill-health ? If so, is it a fact that the said student was in good health when she was admitted to the said College, but had her health impaired during her stay in the College ?

† For answer to this question, *see* answer to question No 261

(*d*) Is it a fact that two of the Muslim students referred to in (*a*) were discharged from the said College after one academic year's stay at the College on the ground that they were intellectually too weak to prosecute their studies ? If so, why did not the Principal satisfy herself with regard to the ability of the said two students at the time of their admission, or discharge them early in the said academic year ?

(*e*) Is it a fact that no non-Muslim student of the said College was discharged at the end of the said academic year on the ground of intellectual weakness ?

(*f*) Is it a fact that one of the Muslim students referred to in part (*a*) was detained in the 1st year F Sc class ? If so, is it a fact that the said student had regularly attended the College lessons ?

(*g*) If what are stated in parts (*a*) to (*f*) above are facts, what steps do Government propose to take in the matter ?

ILL-HEALTH OF K FATIMA, A MUSLIM GIRL STUDENT AT THE LADY HARDINGE MEDICAL COLLEGE, NEW DELHI

1264 ***Mr Abdul Latif Saheb Farookhi** (*a*) Will Government please state if it is a fact that a Muslim girl, K Fatima, admitted to the 1st year Science Class of the Lady Hardinge Medical College, New Delhi, in 1929 was found to be physically and intellectually fit for the College course by the Principal, who personally tested her in all respects at the time of her admission ?

(*b*) Is it a fact that the Principal compelled K Fatima to be engaged till late hours, in the preparation for a number of dramatic performances ?

(*c*) Is it a fact that inspite of being ill, K Fatima was ordered by the said College authorities to sit for the College examination held just before the spring holidays of 1930, and the strain of the examination aggravated her illness, compelling her to give up participation in the examination before its completion ?

(*d*) Is it a fact that the said K Fatima fell ill again in April, 1930, and her illness assumed the form of protracted and serious ill-health, preventing her from participation in the annual examination held in May, 1930 ?

(*e*) Is it a fact that at least one major surgical operation and a number of minor surgical operations were performed on the said K Fatima in 1930 ? If so, did the Principal obtain the guardian's permission regarding the operations or inform him of them ?

(*f*) Is it a fact that the Principal never sent a health report of K Fatima to her guardian ?

(*g*) Is it a fact that the principal never attended to K Fatima during her illness except on the occasion of her discharge from the hospital in June, 1930 ?

(*h*) Is it a fact that K Fatima was discharged from the hospital of the Lady Hardinge Medical College in June, 1930, before recovery ?

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† For answer to this question, *see* answer to question No 261

(*i*) If what are stated in parts (*a*) to (*h*) above are facts, do Government propose to take any action against the authorities responsible ?

SYSTEM OF AUDIT IN CLOTHING FACTORIES IN SHAHJAHANPUR AND MADRAS

265 ***Mr Abdul Latif Saheb Farookhi** : Will Government be pleased to state

(*i*) when the permanent establishments of the two Branches of the Military Accounts Department attached to each of the Clothing Factories in Shahjahanpur and Madras came into existence ,

(*ii*) what was the object of Government in creating these Military Accounts Branches and attaching them to the Clothing Factories ,

(*iii*) what system of audit did it replace in the Clothing Factories during the pre-war days ,

(*iv*) what is the total cost of each of these establishments for the years 1928-29 showing in detail as below

No	Salaries paid to each	Distribution of work to each

(*a*) Officers

(*b*) Accountants

(*c*) Clerks, etc

(*v*) what is the total cost of the establishments of the two Clothing Factories at Shahjahanpur and Madras, showing separately and in detail as shown in (*iv*) above, for 1928-29 ,

(*vi*) if the expenditure incurred by maintaining the aforesaid two Military Accounts Branches, is charged to these two Clothing Factories ,

(*vii*) besides this audit, if there are other periodical audits on the Clothing Factories ,

(*viii*) if so, how many such audits take place in a year ,

(*ix*) if it is a fact, that besides these two kinds of separate audits, there is also a " Commercial Audit " ,

(*x*) if so, what are the total " Travelling Allowances " incurred for such periodical and commercial audits in the year 1928-29 ,

(*xi*) whether the expenditure involved in the above two audits, namely, ' periodical ' and ' commercial audits ', is also charged to the two Clothing Factories , and

(*xii*) whether Government are prepared to consider a less expensive system of auditing with a view to reducing thereby the cost of production pertaining to the manufacture of military uniforms ?

The Honourable Sir George Schuster : (*i*) From the 1st April, 1922

(*ii*) The object was to speed up the preparation of accounts and to afford to the Superintendents of the Factories advice on the spot on accounts and audit matters

(*iii*) The new system replaced a centralised audit conducted in the Controller's main office

(*iv*) The information is being collected and will be furnished to the Honourable Member as soon as possible

(*v*) A statement giving the required information is placed on the table

(*vi*) The reply is in the affirmative

(*vii*) and (*viii*) Apart from test audit by the Commercial Audit Branch, to which I shall refer again later, there is no other periodical audit Formerly, a periodical local audit was conducted by the Controller of Army Factory Accounts, but this was discontinued in August, 1929

(*ix*) An annual test audit on behalf of the Auditor General is conducted by the staff of the Director of Commercial Audit, but only after one audit by the Military Accounts Department

(*x*) The expenditure on travelling allowance incurred by the Commercial Audit Branch during 1928-29 amounted to Rs 1,300 As regards similar expenditure incurred by the Military Accounts Department, the information is not immediately available , it will be furnished to the Honourable Member as soon as possible

(*xi*) The reply is in the negative As already stated, the " periodical " audit has been discontinued

(*xii*) For the reasons already stated, it is considered essential for the economical administration of the Factories to maintain an accounting system on the present lines It would, in the opinion of Government, be definitely inadvisable to revert to the pre-war procedure

Statement showing the total cost of the establishments of the two clothing factories at Shahjehanpur and Madras for 1928 29

	Shahjahanpur			Madras		
	No	Salaries paid.	Distribution of work	No	Salaries paid.	Distribution of work.
	1	2	3	4	5	6
		Rs			Rs	
Officers, Commissioned and Gazetted	4	61,122	General supervision connected with the running of the Factory.	1	8,334	As under column 3.
Non-gazetted staff including British soldiers, etc	69	1,30,180	Supervision of outturn from shops, performance of clerical duties, etc	55	69,719	Do
Medical establishment	1	3,080	Looking after the health of the Factory employees and their families, where authorised		60 (Inspection fee of Rs 5 p m)	Do
Menial establishment	*Nil*	*Nil*		11	1,643	Duties of Duftry, Peons, Messengers, Sweepers, etc
Total		1,94,382			79,756	

TRANSIT CHARGES ON MATERIAL DESPATCHED TO THE SHAHJAHANPUR CLOTHING FACTORY.

266 *Mr. **Abdul Latif Saheb Farookhi** : (*a*) Will Government be pleased to state why the whole supply of *khaki* garments cannot be entirely made up in the Clothing Factory at Madras instead of at the Shahjahanpur Factory with a view to save expenditure of transit charges to the State ? Is it a fact that the material for *khaki* garments, which form the bulk in the manufacture of military uniforms, is drawn from Messrs Binny & Co 's Mills at Madras ?

(*b*) Will Government be pleased to furnish a statement of transit charges incurred by Government each year from 1925 to 1929 by despatching materials from Messrs Binny & Co 's Mills at Madras to the Shahjahanpur Factory, for the purpose of making up *khaki* garments for the army ,

(*c*) Is it a fact that some correspondence on the working of the Shahjahanpur Factory passed between the D Q F & M , Simla and Colonel Jenkins, who has a knowledge of the working of both the Factories at Shahjahanpur and Madras or was any report submitted by Colonel Jenkins on the administration of the Shahjahanpur Factory ? Will Government be pleased to lay on the table the complete correspondence on the subject and the Administration Report referred to above ?

Mr G M Young : (*a*) The first part of the question was answered in my letter No 90-Y , dated the 16th June, which I sent to the Honourable Member in continuation of my reply to his questions Nos 170 to 172 and 204 asked on the 29th January and 4th February, 1930 A copy of the letter has been placed in the Library The answer to the second part is in the affirmative

Expenditure incurred on despatching cloth from Madras is largely counterbalanced by savings effected in distributing clothing from Shahjahanpur.

(*b*) Approximately Rs 500 was spent on this account in 1925, Rs 1,500 in 1926, Rs 8,500 in 1927, Rs 3,000 in 1928 and Rs 3,000 in 1929

(*c*) I have not been able to trace the correspondence referred to by the Honourable Member Administration Reports submitted annually by factories are confidential documents and are not compiled for publication

EXACTION OF MONEY FROM HIS TENANTS BY THE ISTIMRARDAR OF PISANGAN

267 *Mr **Abdul Latif Saheb Farookhi** . (*a*) Will Government please state if it is a fact that, in a petition, dated the 17th August, 1929, to the Commissioner, Ajmer-Merwara, the public of Pisangan complained that the Istimrardar of Pisangan had exacted about Rs 2,000 or Rs 2 500 from the public of Pisangan in about two years by confining their cattle in his private cattle-pound ?

(*b*) Is it a fact that in the petition referred to in (*a*) above, it was also complained that the Istimrardar of Pisangan in Ajmer-Merwara has been exacting money from his tenants by tying them to the rear-legs of horses and by pressing their heads under heavy stones, after, and in spite

of, the compromise, dated the 14th July, 1923, with the tenants, signed by the Commissioner, Ajmer-Merwara ?

(*c*) Did Government make an inquiry into the complaints referred to in parts (*a*) and (*b*) above ? If so, will Government please state

(*i*) who conducted the inquiry and when ,

(*ii*) were the complaining tenants or their representatives allowed to make statements and produce witnesses before the enquiring officer ,

(*iii*) was the Istimrardar or his representative allowed to make statements and produce witnesses before the enquiring officer ,

(*iv*) was the inquiry held in the presence of both the parties , if not, why not ,

(*v*) was the enquiry public or in camera , if in camera, why so , and

(*vi*) will Government please put on the table of the house the report of the enquiring officer and the statements of the witnesses and the parties ?

Sir Frank Noyce : With your permission, Sir, I shall reply to questions Nos 267 to 275 together Government have no information at present in regard to any of the matters mentioned in them with the exception of question 272 (*e*), the answer to which is in the affirmative Inquiries are being made in regard to question No 270 and a report has been called for from the local authorities on all these questions The information will be furnished to the Honourable Member when it is received Government will also then consider what further action, if any, should be taken

COMPLAINTS AGAINST THE ISTIMRARDAR OF PISANGAN

†268 ***Mr Abdul Latif Saheb Farookhi** . (*a*) Will Government please state if it is a fact that the merchants and peasants of the Pisangan Istimrari area in Ajmer-Merwara submitted a number of petitions to the Local Government officials of Ajmer-Merwara complaining against the forcible removal of their stones by the Istimrardar of Pisangan the unauthorised confinement of their cattle in the Istimrardar's private cattle-pound, and other unwarranted actions of the Istimrardar of Pisangan ?

(*b*) If so, what action did Government take on the petitions ?

COMPLAINTS AGAINST THE ISTIMRARDAR OF PISANGAN

†269 ***Mr Abdul Latif Saheb Farookhi** : Will Government please place on the table of the House copies of the following petitions against the Istimrardar of Pisangan in Ajmer-Merwara regarding his realising money for permission to repair houses his removal of stones and other materials from the tenants' buildings, his exaction of money by keeping the tenants' cattle in confinement, the abnormally high rates of land rent, and such other practices of him : (*i*) the petition, dated the 17th August, 1929, submitted by the public of Pisangan to the Commissioner, Ajmer-Merwara, (*ii*) the petition, dated the 19th October, 1929, submitted by the

†For answer to this question, *see* answer to question No 267

public of Mauza Pisangan to the Collector, Ajmer-Merwara, (iii) the petitions submitted to the Assistant Commissioner, Ajmer-Merwara, in December, 1929, by the Gujars of Pagara the Kumhars of Pisangan, the Jats of Rampura, the Jats of Nand and Hanwatpura, and the Gujars of Bukhtawarpur and Barsuri ?

COMPLAINTS AGAINST THE ISTIMRARDAR OF PISANGAN

†270 ***Mr. Abdul Latif Saheb Farookhi** . (*a*) Will Government please state if it is a fact that a reply paid telegram complaining against the Istimrardar of Pisangan (Ajmer-Merwara) was wired by Chanda, cultivator of Pisangan, to His Excellency the Viceroy on the 7th March, 1930 ?

(*b*) Was any reply given by Government to the telegram referred to in part (*a*) ? If so, what and when ? If not, why not ?

(*c*) In case no reply was given to the telegram referred to in part (*a*), how was the paid telegram form for reply utilised ?

VISIT OF THE ASSISTANT COMMISSIONER OF AJMER-MERWARA TO PISANGAN

†271 ***Mr Abdul Latif Saheb Farookhi** (*a*) Will Government please state if it is a fact that on the 17th March, 1930, Captain Galbraith, Assistant Commissioner, Ajmer-Merwara, visited Pisangan to settle the disputes between the Istimrardar of Pisangan and the peasants after the submission of the peasants' memorial dated the 6th March, 1930, to His Excellency the Viceroy ?

(*b*) Is it a fact that the said Assistant Commissioner left Pisangan for Ajmer on the morning of the 18th March, 1930, without having any conversation with the peasants ?

(*c*) Is it a fact that the said Assistant Commissioner spent the 17th of March, 1930 in hunting along with the Istimrardar of Pisangan ?

(*d*) Is it a fact that nothing was done as regards the settlement of disputes mentioned in part (*a*) by the Assistant Commissioner from his arrival in Pisangan on the 17th March, 1930, till his return to Ajmer on the 18th March ?

(*e*) What was the amount of the travelling allowance drawn by the Assistant Commissioner for the journey to and from Pisangan referred to in part (*d*) ?

VISIT OF THE ASSISTANT COMMISSIONER OF AJMER-MERWARA TO PISANGAN

†272 ***Mr Abdul Latif Saheb Farookhi** : (*a*) Will Government please state if it is a fact that Captain Galbraith, Assistant Commissioner, Ajmer-Merwara, paid a second visit to Pisangan to settle the disputes between the peasants and the Istimrardar after his return to Ajmer on the 18th March, 1930 ?

(*b*) Is it a fact that the said Assistant Commissioner did not succeed in persuading the peasants to accept his award ?

(*c*) Is it a fact that the said Assistant Commissioner threatened the peasants ?

†For answer to this question, *see* answer to question No 267

(*d*) Is it a fact that after the Assistant Commissioner's failure to persuade the peasants to accept his award, confidential orders were given to the police to help the Istimrardar against the peasants of Pisangan ?

(*e*) Is it a fact that Captain Galbraith, permanent Assistant Commissioner, has been officiating as Commissioner, Ajmer-Merwara, since May, 1930 ?

COMPLAINTS AGAINST THE ISTIMRARDAR OF PISANGAN

†273 ***Mr. Abdul Latif Saheb Farookhi** : (*a*) Is it a fact that in 1929 one Chanda, cultivator of Pisangan, Ajmer-Merwara, wired to the Commissioner, Ajmer-Merwara, that one hundred and fifty tenants were kept in illegal confinement by Chandmal, Kamdar of the Rajah of Pisangan, an Istimrardar of Ajmer-Merwara ?

(*b*) Is it a fact that a telegram containing the same complaint as is stated in part (*a*), was sent to the Honourable the Chief Commissioner Ajmer-Merwara ?

(*c*) Is it a fact that after the telegrams referred to in parts (*a*) and (*b*), a petition containing the same complaint as is stated in parts (*a*) and (*b*), was duly submitted to the Assistant Commissioner, Ajmer-Merwara ?

(*d*) Is it a fact that no reply was communicated by the Commissioner, Assistant Commissioner, or the Honourable the Chief Commissioner to the complainant ?

(*e*) Was an inquiry made into the petition referred to in part (*c*) ? If so by whom and with what result ?

COMPLAINTS AGAINST THE ISTIMRARDAR OF PISANGAN

†274 ***Mr Abdul Latif Saheb Farookhi** : (*a*) Is it a fact that on the 1st April, 1930, Gheesa and other peasants of Pagara (Pisangan, Ajmer) presented themselves at the police station Pisangan to lodge a report that the servants of the Istimrardar of Pisangan and the Government girdawar of the circle took away gram and wheat-ears from their fields in their absence and without their permission and let loose their oxen and horses to feed on the standing crops of the said peasants ?

(*b*) Is it a fact that the said report was not entered by the police ?

(*c*) Is it also a fact that the sub-inspector of the Pisangan police station abused and kicked Gheesa for his insistence on the entry of the report ?

(*d*) Is it a fact that on the 2nd April, 1930, the report referred to in part (*a*), was sent by post under an acknowledgment due registered cover to the sub-inspector of the Pisangan police station ? If so, will Government be pleased to put a copy of the said report on the table of the House ?

(*e*) If the reply to the first part of the question in part (*d*) be in the affirmative will Government please state whether any action was taken on the report ? If so, what ? If not, why not ?

(*f*) Is it a fact that after the report referred to in part (*d*), the Sub-Inspector in charge of the police station Pisangan challaned more than

†For answer to this question, *see* answer to question No 267

half-a-dozen inhabitants of Pisangan under section 34 of the Indian Penal Code in the Court of the Honorary Magistrate, Pisangan, on the 3rd April, 1930 ? If so, is it a fact that the Istimrardar of Pisangan is the Honorary Magistrate of Pisangan ?

(*g*) Is it a fact that the inhabitants referred to in part (*f*) were signatories to the memorial against the Istimrardar of Pisangan and Mr P. B. Joshi, the Assistant Superintendent of Education, Ajmer-Merwara, submitted to His Excellency the Viceroy on the 6th March, 1930 ? If so, why was the case against them tried by the said Istimrardar ?

(*h*) Is it also a fact that the Pisangan inhabitants referred to in part (*f*), helped Gheesa and others (who were illiterate) in preparing the report referred to in part (*d*) ?

COMPLAINTS AGAINST THE ISTIMRARDAR OF PISANGAN

†275 ***Mr Abdul Latif Saheb Farookhi** : (*a*) Are Government aware that the servants of the Istimrardar of Pisangan in Ajmer-Merwara forcibly took away 20 seers of corn from the wife of Chautha Patel of Pisangan, who was taking the corn from her barn to her home for domestic consumption on the 12th April, 1930 ?

(*b*) Is it also a fact that the Government police of Pisangan helped the Istimrardar of Pisangan in the forcible seizure of corn referred to in part (*a*) above ?

(*c*) If so, what action do Government propose to take in the matter ?

NON-ACCEPTANCE OF A TELEGRAM OF COMPLAINT AGAINST THE ISTIMRARDAR OF PISANGAN

276 ***Mr Abdul Latif Saheb Farookhi** : (*a*) Will Government please inquire and state whether it is a fact that Dayal Kumhar of Pisangan in Ajmer-Merwara requested Misrilal, Station Master, Manglawas, Bombay, Baroda and Central India Railway, metre gauge, on the 22nd April, 1930, to wire, on behalf of the public of Pisangan, telegram to His Excellency the Viceroy, to the Honourable the Chief Commissioner, Ajmer-Merwara, and to the Commissioner Ajmer-Merwara, complaining against the Istimrardar of Pisangan and Government police stationed in Pisangan ?

(*b*) Is it also a fact that the Station Master referred to in (*a*) refused in writing, to accept and transmit the telegrams on the ground that the said telegrams must be signed by at least 20 persons ? If so, will Government please state whether it is a rule of Government or of the Bombay, Baroda and Central India Railway that a telegram on behalf of the public must be signed by at least 20 persons ?

(*c*) Is it also a fact that the telegrams, signed by the said Dayal Kumhar and 22 other inhabitants of Pisangan, was again presented to the said Station Master for despatch but was again not accepted by the Station Master ?

(*d*) Is it also a fact that the telegrams referred to in (*c*) had to be despatched from the Ajmer telegraph office on the same date (the 22nd of April, 1930) ?

†For answer to this question, *see* answer to question No 267.

(*e*) If what are stated in parts (*a*) to (*d*) above are facts, are Government prepared to instruct the Bombay, Baroda and Central India Railway administration to take action against the station master referred to ?

Mr A A L. Parsons : I am obtaining information regarding this matter from the Agent of the Bombay, Baroda and Central India Railway and on hearing from him I will communicate with the Honourable Member

COMPLAINTS AGAINST THE ISTIMRARDAR OF PISANGAN

277 ***Mr Abdul Latif Saheb Farookhi** : (*a*) Is it a fact that on the 22nd April, 1930, Dayal and 22 other peasants of Pisangan Istimrari area in Ajmer-Merwara wired to His Excellency the Viceroy, to the Honourable the Chief Commissioner, Ajmer-Merwara, and to the Commissioner, Ajmer-Merwara, that " Rajah Sahib, Pisangan, Ajmer District, confines public, robs grain property, no action by police Solicit Mercy " ?

(*b*) If the reply to the question in part (*a*) be in the affirmative, will Government please state if any action was taken by Government on the Pisangan peasants' telegrams ? If so, what ? If not, why not ?

Sir Frank Noyce : A telegram from the persons named was received by His Excellency on the date mentioned, and was forwarded to the Honourable the Chief Commissioner, Ajmer-Merwara, for local investigation

COMPLAINTS AGAINST THE ISTIMRARDAR OF PISANGAN

278 ***Mr Abdul Latif Saheb Farookhi** : (*a*) Is it a fact that the peasants of Pisangan (Ajmer-Merwara) submitted a second memorial dated the 1st May 1930, to His Excellency the Viceroy complaining against the Istimrardar of Pisangan, Mr P B Joshi, the Assistant Superintendent of Education, and the Government Officials at the spot ?

(*b*) Is it a fact that a copy of the memorial mentioned above was submitted to the Honourable the Chief Commissioner, Ajmer-Merwara ?

(*c*) Will Government please put on the table of the House a copy of the memorial mentioned in part (*a*) above ?

Sir Frank Noyce : (*a*) Yes

(*b*) So far as the Government of India are aware, this fact is as stated

(*c*) Government will consider this question when the report which they have called for from the Chief Commissioner has been received

EXTORTION OF ARBITRARY CESSES FROM TENANTS BY THE ISTIMRARDAR OF PISANGAN

279 ***Mr Abdul Latif Saheb Farookhi** : (*a*) Is it a fact that on the 29th October, 1929, the Honourable the Judicial Commissioner, Ajmer-Merwara, in his judgment of the civil Second Appeal, No 56 of 1928, pronounced, in regard to the cesses imposed on the tenants, that " I think the learned additional District Judge was perfectly correct in his statement

that the levy of these cesses was very arbitrary and out-of-date and cannot be continued. Times have changed very, very much since the Records of Rights was sanctioned in 1874. It is true that there has been a certain number of decrees for the levy of *Kholri*, but these to my mind are now an anachronism"?

(*b*) Is it also a fact that the attention of the Local Government was drawn to the judgment referred to in part (*a*) in a leading article entitled 'Pisangan's Memorial to the Viceroy' at pages 8 and 10 of the *State's Weekly*, Ajmer, dated the 28th March, 1930?

(*c*) Is it a fact that the Istimrardar of Pisangan compels his tenants to pay the cesses pronounced as arbitrary and out-of-date by the Honourable the Judicial Commissioner, Ajmer-Merwara, in the judgment referred to in part (*a*)?

(*d*) Is it also a fact that the Local Government officials assist the Istimrardar of Pisangan in extorting from the tenants the cesses referred to in part (*c*)?

(*e*) If what are stated in parts (*a*) to (*d*) above are facts, what action do Government propose to take against the Istimrardar of Pisangan and the officials referred to in part (*d*)?

Sir Frank Noyce: With your permission, Sir, I shall also answer questions Nos. 279—281 together. Government have no information on any of the matters referred to in them, but they have called for a report and when it is received will supply the Honourable Member with the information for which he has asked. They will also then consider what further action, if any, should be taken.

LAND RENT DEMANDED BY THE ISTIMRARDAR OF PISANGAN

†280 ***Mr Abdul Latif Saheb Farookhi**: (*a*) Is it a fact that the Khalsa circles of Nagelau, Kalesara, Rampura, Lahsua, and Nand in Ajmer-Merwara, where the *ryotwari* system exists, are in the neighbourhood of the Pisangan Istimrari area?

(*b*) Will Government please put on the table of the House a statement showing the maximum rate of land-rent per bigha and the minimum rate of land-rent per bigha for (*i*) Barani lands, (*ii*) Chahi lands, (*iii*) Abi lands, and (*iv*) Talabi lands, in each of the Khalsa circles named in part (*a*)?

(*c*) Will Government please inquire and state what maximum rate of land-rent per bigha and minimum rate of land-rent per bigha for (*i*) Barani lands, (*ii*) Chahi lands, (*iii*) Abi lands, and (*iv*) Talabi lands does the Istimrardar of Pisangan demand from his tenants?

COMPLAINTS AGAINST THE ISTIMRARDAR OF PISANGAN

†281 ***Mr. Abdul Latif Saheb Farookhi**: (*a*) Is it a fact that there have been bitter disputes of long standing between the Istimrardar of Pisangan in Ajmer-Merwara and the Pisangan peasants and merchants?

†For answer to this question, see answer to question No. 279.

(*b*) Is it a fact that the Istimrardar of Pisangan is the Honorary Magistrate and Munsif in his Istimrari area ?

(*c*) Is it a fact that lots of applications by the peasants and merchants of the Pisangan Istimrari area complaining against the Honorary Magistrate and Munsif referred to in part (*b*) have been continuously submitted to the Commissioner, Ajmer-Merwara ?

(*d*) Is it a fact that so far the said Commissioner has not taken any action concerning the unanimous complaints referred to in part (*c*) ? If so, why ?

(*e*) Will Government please put on the table of the House copies of two applications dated 5th November, 1928, and 10th October, 1929, submitted to the Commissioner, Ajmer-Merwara, by hundreds of farmers and merchants of Pisangan Istimrari area and containing complaints of many kinds against the present Honorary Magistrate and Munsif of Pisangan ?

FEES CHARGED IN THE COURT OF THE HONORARY MUNSIF OF PISANGAN

282 ***Mr Abdul Latif Saheb Farookhi** (*a*) Is it a fact that for comparing Khatabahi a fee of two rupees in cash on a claim of rupees hundred is charged in the court of the Honorary Munsif of Pisangan in Ajmer-Merwara whereas in Ajmer civil courts a fee of only two annas on a claim of any amount is charged for comparing Khatabahi ?

(*b*) Is it a fact that unlike the custom in the Ajmer civil courts, the fee for comparing Khatabahi realised by the court of the Honorary Munsif, Pisangan is not included in the plaintiff's cost ?

(*c*) Will Government please state how the amount of money realised as fees for comparing Khatabahi by the Honorary Munsif, Pisangan, is disposed of ?

Mr E. B Howell With your permission, Sir, I propose to answer questions Nos 282, 284, 285 286, 287, 288 and 289 together The information is being collected and will be communicated to the Honourable Member in due course

FIRE IN THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY CARRIAGE SHOP, AJMER

283 ***Mr Abdul Latif Saheb Farookhi** : (*a*) Is it a fact that a fire broke out in 1930 in the Bombay, Baroda and Central India Railway Carriage Shop, Ajmer, causing a damage of several lakhs of rupees ?

(*b*) Is it also a fact that the police have been unable as yet to trace out any culprits in connection with the fire referred to in part (*a*) ?

12 NOON

Mr A A L. Parsons : (*a*) and (*b*). Inquiries are being made from the Railway Administration and the Honourable Member will be furnished with the information in due course

MURDER OF A WOMAN IN AJMER

†284 ***Mr. Abdul Latif Saheb Farookhi** : (*a*) Has the attention of Government been drawn to an article entitled "*Ajmer police ki Nadirshahi*" published at page 6 of the *Rajasthan Sandesh*, Ajmer, dated the 30th June, 1929 ?

(*b*) If the reply to the question in part (*a*) be in the affirmative, will Government please state whether they have inquired into the allegations made in that article regarding the carrying away of sojourners from the Ajmer dharmsalas by the police with a view to extort money from them ? If so, will Government please communicate to the House the result of the inquiry ?

(*c*) Is it a fact that one Musammat Samwa, wife of Rupchand a pilgrim to Pushkar, sojourning in Ajmer, was carried away by policemen from an Ajmer Dharmsala to Aghori Karamnath's abode, where she was murdered after the publication of the article referred to in part (*a*) ?

ALLEGATIONS AGAINST THE AJMER POLICE

†285 ***Mr Abdul Latif Saheb Farookhi** . (*a*) Has the attention of Government been drawn to an editorial note entitled "*Ajmer ki police*" published at page 4 of the *Rajasthan Sandesh* Ajmer, dated the 14th July, 1929 ?

(*b*) If so have Government inquired into the allegations against the Ajmer police made in the said article ? If not, why not ?

MURDER OF A WOMAN IN AJMER

†286 ***Mr Abdul Latif Saheb Farookhi** : (*a*) Has the attention of Government been drawn to an article, entitled "*Ajmer men manush bhaksha Sadhu*", published at page 6 of the *Rajasthan Sandesh*, Ajmer, dated the 14th July, 1929 ?

(*b*) Is it a fact that during Mr Gibson's tenure of office as Commissioner, Ajmer-Merwara one Musammat Samwa, wife of Rupchand, a pilgrim to Pushkar, was murdered in Ajmer ?

(*c*) Is it a fact that the wife and husband referred to in part (*b*) were staying in a Dharmsala, from which they were led by policemen to the abode of a Sadhu who was subsequently convicted and punished for murder ?

(*d*) Is it a fact that after the murder referred to in part (*b*), when a jamadar took the murdered woman's husband to the kotwali, the officers on duty there did not enter the report made by him that his wife was missing ?

(*e*) Is it a fact that for about three days after the murder no report about the missing woman was entered by the police ? If so, why ?

(*f*) If the replies to the questions in parts (*d*) and (*e*) be in the affirmative, did Government take any action against the officer or officers responsible for not entering the report referred to in parts (*d*) and (*e*) ? If so, what ? If not, why not ?

†For answer to this question, *see* answer to question No 282

(*g*) Is it a fact that it was with the assistance of Messrs Hemchand and Hariram and other residents of Ajmer and the recommendation of Mr Mangi Lal, Magistrate and Treasury Officer, Ajmer, to the Deputy Superintendent of Police, that the husband of the murdered woman was at last successful in having his report entered by the police ?

(*h*) Is it a fact that police investigation began three days after the murder ? If it is not a fact, how many days after the murder did the police investigation begin ?

(*i*) Is it a fact that the police could not discover the dead body of the murdered woman ?

SEIZURE AND DESTRUCTION OF FOOD BY THE POLICE AT KAIROT

†287 ***Mr Abdul Latif Saheb Farookhi** : (*a*) Is it a fact that about a year ago, in the time of Mr Gibson's Commissionership of Ajmer-Merwara, the police seized and destroyed an immense quantity of food prepared for a funeral feast by an Oswal merchant at Kairot in the Istimrari area of Kairot in Ajmer-Merwara ? If so, by whose order did the police seize and destroy the food ?

(*b*) Is it a fact that a complaint was filed in a criminal Court in Ajmer against the police and the Istimrardar of Kairot in respect of the seizure and destruction of food referred to in part (*a*) ?

(*c*) Is it also a fact that the Istimrardar of Kairot was deprived of his powers as an Honorary Magistrate after the complaint referred to in part (*b*) ?

(*d*) If the replies to the questions in parts (*a*) to (*c*) be in the affirmative, did Government take any action against the police referred to in part (*a*) and the officer under whose orders the police seized and destroyed the food ? If so, what ? If not, why not ?

APPOINTMENT OF TREASURY OFFICER AND MAGISTRATE, AJMER

†288 ***Mr Abdul Latif Saheb Farookhi** : (*a*) Is it a fact that Mr Jawahir Lal has been temporarily appointed as Treasury Officer and Magistrate, Ajmer, during the Commissionership of Mr Gibson ?

(*b*) Was the appointment referred to in part (*a*) made by selection through competition ? If so, how many candidates took part in the competition ?

(*c*) Were applications for the appointment invited by advertisement and public notification ? If so, what were the dates of advertisement and public notification ? If not, why not ?

(*d*) Is it a fact that there is no Muslim gazetted officer in the revenue line and no Muslim paid Magistrate in Ajmer-Merwara ?

(*e*) If so, will Government please state why no Muslim was appointed as Treasury Officer and Magistrate, Ajmer ?

†For answer to this question, *see* answer to question No 282

MAGISTRATES AND REVENUE OFFICERS IN AJMER-MERWARA

†289. *Mr. **Abdul Latif Saheb Farookhi** : Will Government please place on the table of the House a statement showing the paid Magistrates and revenue officers not below the rank of a Naib Tahsildar, in Ajmer-Merwara, giving for each officer or Magistrate (*i*) name, (*ii*) the date of his first appointment as revenue officer or Magistrate, (*iii*) whether the appointment was made by open competition, selection through advertisement, or by nomination, (*iv*) whether the appointment was made by direct recruitment or by promotion from the ministerial line, and (*v*) in case of direct recruitment, whether the officer recruited was or was not the son or other relation of some Government ministerial servant in active service or retired ?

VOTERS IN THE PISANGAN ISTIMRARI AREA FOR MEMBERS OF THE LEGISLATIVE ASSEMBLY

290 *Mr. **Abdul Latif Saheb Farookhi** . (*a*) Is it a fact that there is no voter in Pisangan Istimrari area, except the Istimrardar of Pisangan, for electing a member from Ajmer-Merwara for the Legislative Assembly ?

(*b*) Will Government please state whether there are many persons in the Pisangan Istimrari area other than the Istimrardar of Pisangan who possess qualifications for voting in the Legislative Assembly election ?

Mr D G Mitchell : (*a*) and (*b*) The qualifications for the franchise in the Ajmer-Merwara constituency of the Legislative Assembly are set out in Part XI of Schedule II to the Legislative Assembly Electoral Rules The Government of India have no information regarding the number of persons in the area to which the Honourable Member refers who possess a franchise qualification

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Mr President I have to announce that Mr Reddi, who was unavoidably absent when his question No 201 was reached, is now anxious to put that question As I am anxious to give all facilities to new Members, I will allow him to put the question now

RESTORATION OF STIPENDS TO MEMBERS OF THE CARNATIC FAMILY

201 *Mr **T. N Ramakrishna Reddi** : Will Government be pleased to state whether they have given effect to the Resolution passed by the Legislative Assembly and which the Government have themselves accepted on the floor of the Legislative Assembly on the 22nd January, 1930, regarding the restoration of stipends to the members of the Carnatic family who took part in the non-co-operation movement ?

Mr. E. B. Howell : I would refer the Honourable Member to the answer given by me in the House on the 14th instant to a question on the same subject by the Honourable Maulvi Mohammad Shafee Daoodi.

†For answer to this question, *see* answer to question No 282

PROSECUTIONS UNDER THE CHILD MARRIAGE RESTRAINT ACT

104 **Mr N Natesa Ayyar** : (*a*) Will Government please state if there has been any prosecution in any of the provinces of India in connection with the Child Marriage Restraint Act of 1929, and if so, how many and with what results ?

(*b*) Have Government ascertained how many child marriages as defined by the Act have been performed between 1st October, 1929, and 1st of April, 1930, in each of the provinces of India ? If not, are Government prepared to make an inquiry into the matter and lay the information on the table ?

(*c*) Are Government aware of the intense dissatisfaction and unrest which the Act has created among the persons affected thereby in all the provinces ? Are Government prepared to make an inquiry into the matter ?

The Honourable Mr H G Haig : (*a*) The Government of India have received no information regarding prosecutions under the Act, and it may be presumed that the number is small

(*b*) The answer to the first part is in the negative Government do not propose to make an enquiry Indeed as marriages are normally not registered, it would be impossible to obtain the information

(*c*) Government do not consider it necessary to institute an inquiry into the feeling on this matter Certain Bills for the amendment of the Act which have been introduced, or of which notices have been given, by Members of this and the other House have been circulated to Local Governments for opinion

APPOINTMENT OF BUSINESSMEN TO GAZETTED POSTS AND TO COMMITTEES, COMMISSIONS, ETC

105. **Mr S C Mitra** : (*a*) Has the attention of Government been drawn to the article under the caption " Why are business men in revolt against the Government " published in the *Tribune*, Lahore, dated the 2nd July, 1930 ?

(*b*) Will the Government please state the names of Indian businessmen, if any, appointed since 1928

(*i*) direct to Gazetted appointments in the Departments under the Government of India in which their knowledge and experience could prove useful ,

(*ii*) as members of Committees Commissions or Delegations of the Government of India or of the Imperial Government ?

(*c*) Will the Government please state the names of Committees appointed by them since 1925 to inquire into matters of special interest to the business community, *e.g.*, banking, exchange, railway rates, tariff, coal, etc ?

(*d*) How many of these Committees, if any, had Indian non-official businessmen as their Presidents ?

The Honourable Sir George Rainy : (*a*) Yes

(*b*) to (*d*) The information desired by the Honourable Member is being collected and will be furnished to him in due course

REPUBLICATION OF MOORE'S "FAMILY MEDICINE"

106. **Mr. S. C. Mitra** : (*a*) Is it a fact that "Moore's Family Medicine" is published under the authority of the Government of India ?

(*b*) Is it a fact that its last edition was published about ten years ago ?

(*c*) When do Government propose to publish its next revised edition ?

Sir Frank Noyce : (*a*) and (*b*). Yes

(*c*) Government will consider the question

GUM USED ON ENVELOPES MADE BY THE SECURITY PRINTING PRESS, NASIK

107 **Mr S C Mitra** (*a*) Are Government aware that there has been a marked change for the worse in respect of the gum used on envelopes since their printing and preparation has been undertaken by the Security Printing Press, Nasik Road ?

(*b*) When do Government propose to remedy the defect ?

Mr H A Sams : (*a*) Some complaints about bad gumming have been received

(*b*) The Master, Security Printing Press, was addressed on the subject and it is hoped that there will be no ground for further complaints.

MAXIMUM PENALTY IN RESPECT OF EXCESS LUGGAGE CARRIED BY A RAILWAY PASSENGER

108 **Mr S C Mitra** : (*a*) What is the amount of penalty that a railway passenger travelling without a ticket in third class from Calcutta to Simla has to pay ?

(*b*) What is the amount of penalty for carrying only two seers of luggage in excess of the free allowance, if it is not booked in advance at Calcutta and is found to be in excess at Simla ?

(*c*) Do Government propose to consider the question of allowing a free allowance even if the luggage of a passenger is found to be in excess at the destination ?

(*d*) Do Government propose to consider the question of fixing a maximum for penalty chargeable in respect of excess luggage ?

Mr A A. L Parsons : (*a*) The amount of penalty for a third class passenger travelling from Calcutta to Simla without a ticket is two annas, if the passenger, before being detected by a railway servant, notifies to the railway servant on duty with the train that he is without a ticket, otherwise one rupee

(*b*) The forfeiture of the free allowance, which for a third class passenger would amount in the case mentioned, to Rs. 6.

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

PROVISIONS OF A WATER PIPE ON THE PLATFORM OF THE SIMLA RAILWAY STATION

109. **Mr S C Mitra** : (*a*) Is it a fact that there is no water-pipe on the platform of Simla Railway Station ?

(*b*) Is it a fact that the nearest water-pipe is near the engine shed beyond the platform and that it is risky to go to that water-pipe as it involves crossing of lines ?

(*c*) When do the Government propose to provide a drinking water-pipe on the platform for the use of passengers ?

Mr. A A L. Parsons : (*a*) and (*b*) Yes

(*c*) I am having the matter referred to the Agent, North Western Railway, and, on receipt of his reply, will communicate with the Honourable Member

CONSTRUCTION OF A ROAD BETWEEN NEW DELHI AND RAMJAS AND TIBBIA COLLEGES

110 **Mr S. C Mitra** : (*a*) Is it a fact that no road has so far been constructed between New Delhi and Ramjas College and Tibbia College and are Government aware that the students, etc, have to pass through almost a jungle when going from New Delhi to the Colleges ?

(*b*) When do the Government propose to undertake the construction of that road ?

The Honourable Sir Joseph Bhore : (*a*) A road is under construction from the Rohtak road to the Tibbia College, which, when completed, will provide a continuous metalled road from New Delhi to the Ramjas College The Tibbia College is already connected by a metalled road to New Delhi

(*b*) Does not arise

LOSS OF REVENUE ON THE KALKA SIMLA RAILWAY DUE TO PRIVATE ROAD MOTOR COMPETITION

111 **Mr S C Mitra** : (*a*) How much fall in revenue have the Government suffered during the last two years, as compared with the two years, previous to that, on the Kalka Simla Railway, on account of competition with private road-motors ?

(*b*) Is it a fact that the increasing popularity of road-motors is due to absence of smoke and shorter time taken to cover the journey ?

(*c*) Is it a fact that Government propose to use faster engines on the line ? If so, when ?

(*d*) What is the present stage of the Government's proposal to electrify the line to remedy the smoke nuisance and to shorten the journey ?

Mr A A. L Parsons : (*a*) The figures for 1929-30 are not at present available, but the earnings from passengers carried on the Kalka-Simla section during the two years ending 31st March 1927, were Rs 17,41,894, and for the two years ending 31st March, 1929, Rs 11,63,500 The extent to which road motor competition has contributed to the fall in revenue cannot be ascertained, but a fairly appreciable amount is due to a reduc-

tion of 50 per cent in the fares which applied during the months of June to September

(*b*) Various factors operate to influence intending passengers in exercising their choice between travel by railway and travel by road-motor The absence of smoke and the duration of the journey are undoubtedly considerations that weigh with passengers

(*c*) The answer to the first part of the question is in the negative, and the second part does not therefore arise

(*d*) The scheme for electrification has been postponed for the present.

CASHIERS IN GOVERNMENT OF INDIA OFFICES

112. **Mr S C Mitra** (*a*) Is it a fact that in view of the special nature of the work of cashiers in the Government of India offices, usually *senior* Lower Division men are posted on the duty and are allowed special *allowance* for it in addition to pay ?

(*b*) What was the rate of pay (*not* scale) of the clerks working as cashiers in the various Departments of the Secretariat and Attached Offices on the 1st June, 1930 ?

(*c*) Do Government propose to fix a certain minimum of pay below which no one should be posted on this work, which involves special responsibility ?

The Honourable Mr. H G Haig : (*a*) Yes

(*b*) The information is being collected and will be supplied to the Honourable Member when complete

(*c*) No The matter is one for the Heads of the Departments concerned and Government have no doubt that they are alive to the importance of selecting suitable men

MIGRATORY SCHOOL FOR SIMLA AND NEW DELHI

113. **Mr S C Mitra** : (*a*) Is it a fact that the Government of India have long had under consideration the question of starting a migratory school for Simla and New Delhi to remove the hardships to which the sons and daughters of the Government of India clerks are put on account of the two places being under different Education Departments and Universities ?

(*b*) Do Government propose to place Simla in Delhi Province for the purpose of education for the present and to keep the point in view when considering the redistribution of Provinces, as recommended by the Simon Commission ?

Sir Frank Noyce : (*a*) The Honourable Member is referred to the reply given to the unstarred question No 279, asked by Pandit Nilakantha Das on the 21st March, 1930 It is hoped that an early decision will be reached in the matter

(*b*) No such proposal is before Government

LACK OF AN UNORTHODOX HINDU TIFFIN ROOM IN THE CIVIL SECRETARIAT BUILDINGS AT SIMLA

114. **Mr. S. C. Mitra** : (*a*) Is it a fact that in *each* of the two buildings of the Imperial Secretariat at New Delhi there is one separate unorthodox Hindu tiffin room ?

(*b*) Is it a fact that there is no un-orthodox Hindu tiffin room in any of the buildings of the Civil Secretariat at Simla ?

(*c*) Is it a fact that there is only one Hindu tiffin room in Gorton Castle at Simla, and are Government aware that it is extremely dirty and too small to cater for the hundreds of Hindu clerks in the building ?

(*d*) When do the Government propose to improve the condition of the present tiffin room and to provide another for un-orthodox Hindus and to relieve the present one of rush ?

The Honourable Sir Joseph Bhore : (*a*) Each of the two Secretariat buildings in New Delhi has two tiffin rooms for Hindus They are not specifically classed as orthodox or unorthodox

(*b*) There are two tiffin rooms for Hindus in the Civil Secretariat buildings at Simla, one at "Gorton Castle" and the other at "Kennedy House" These also are not specifically classed as orthodox or unorthodox

(*c*) As stated in part (*b*) of the reply, there is only one tiffin room for Hindus in "Gorton Castle" It is reported to be suitable for the purpose , no complaints have been received about its being dirty

(*d*) Certain improvements were carried out to this tiffin room in 1928, and Government do not propose to build any other tiffin room

LAYING ON THE TABLE OF FULL REPLIES TO QUESTIONS TO WHICH *ad interim* REPLIES ARE GIVEN IN THE FIRST INSTANCE

115. **Mr S C Mitra** (*a*) Is it a fact that to some of the questions in the Legislative Assembly *ad interim* replies are given and full replies are communicated later only to the Members by whom the questions are put ?

(*b*) Do Government propose, for the information of the whole House, to lay on the table on the first day of the following Session *full* replies to all questions to which *ad interim* replies are given in the first instance ? If not, why not ?

The Honourable Sir George Rainy : (*a*) This is so

(*b*) The present practice is based on a considered ruling by the President Sir Frederick Whyte, delivered on 1st March, 1921, which runs as follows

"The point concerns the laying on the table of information supplied to a Member individually in response to a question asked by him It has been represented to me that inasmuch as any matter which is laid on the table must also be printed in the Assembly's proceedings, the laying on the table of all such information, which may often be of an exceedingly copious nature, will inevitably have the effect of swelling the proceedings to an inconvenient size, and will add greatly to the difficulty of expeditiously securing their publication in print. I have accordingly decided to modify the previous ruling on this point and to direct that such information shall only be laid on the table and printed in the proceedings when, in the opinion of the Member of the Government concerned, it is likely to be of general public interest. Where in pursuance of this direction the Department of the Government concerned decides, not to lay the information on the table, any Member desiring to obtain the same should apply to that Department for a copy of the information supplied to the Member asking the original question."

(*Vide* Legislative Assembly Debates, Vol. I, page 494.)—

This ruling was re-affirmed by Sir Frederick Whyte on 1st February, 1923. It is, therefore, the established practice of this House almost from its

inception, and Government sees no reason to depart from it now I may add that copies of such answers are placed in the Library, where any other Member who is interested can peruse them.

NEWSPAPERS, ETC REQUIRED TO FURNISH SECURITY UNDER THE PRESS ORDINANCE

116 **Mr S C Mitra** Will Government be pleased to lay on the table a statement showing the names of papers, periodicals, monthlies, etc, from whom a security under the newly promulgated Press Ordinance was demanded and how many of them paid off the security and how many have suspended publication as a protest ?

The Honourable Mr H G Haig : I place a statement on the table

The Honourable Member will notice that there are no names shown under Bengal The position in that province is that no security was demanded in the case of newspapers but nine newspapers ceased publication following the demand of security from the presses at which they were printed

Statement showing the action taken by local Governments under the Indian Press Ordinance II of 1930

Newspapers

Serial No	Name of newspaper from whom security has been demanded	Amount of security demanded or whether reduced or not on representation	Whether security was deposited or newspaper ceased publication or did not start in view of demand for security	Remarks
1	2	3	4	5
		Madras		
		Rs		
1	Kistnapatrika, Kistna	1,000 No representation	Ceased	
2	Sukhodayam, N Arcot	1,000 Do	Do	
3	Durbar, Guntur	1,000	Notice demanding security since withheld on representation	
4	Simhapari, Nellore	500 No representation	Ceased	
5	Desabhaktan, Trichinopoly	1,000 Do	Do	
6	Congress, East Godavari	2,500 Do	Do	
7	Swadesamitran, Madras .	2,500 Do	Deposited security	
8	Sudandara Sangu, Madras	1 000 Do	Ceased.	
9	Tamil Nadu, Madras	1,000 Do	Deposited security	
10	Ten Nadu, Madras	1,500 Do	Ceased	
11	Ananda Vahini, Madras	1,000 Do.	Do.	
12	Saraswati, Madras	1,000 Do	Do.	
13	My Magazine, Madras	1,000 Do	Do	
14	Andhra Patrika, Madras	2,000 Do	Deposited security	
15	Swarajya, Madras	2,500 Do.	Ceased.	

Serial No	Name of newspaper from whom security has been demanded	Amount of security demanded or whether reduced or not on representation	Whether security was deposited or newspaper ceased publication or did not start in view of demand for security.	Remarks.
1	2	3	4	5
		Madras—contd		
		Rs		
16	Sahakava Patrika	1,000 No representation	No information	
17	Navasakti, Madras	1,000 Do	Ceased	
18	Satyagrahi, West Godavari	Security demanded by District Magistrate Amount not reported	Do	
		Bombay		
19	Free Press Bulletin, Bombay	500	Security deposited	
20	Free Press Journal, Bombay	500	Do	
21	Aftab newspaper Bombay	1,000	Ceased	
22	Nawjivan newspaper Bombay	800	Paper not started	
23	Shraddhanand newspaper, Bombay	2,000	Ceased	
24	Hindu Kartavya newspaper, Bombay	800	Paper not started	
25	Daily Hilal, Bombay	2,000	Security not deposited Commissioner of Police directed to prosecute the publisher under section 22(2) of Ordinance	
26	Sayankal newspaper, Bombay	800	Paper not started	
27	Sindhi newspaper, Sukkur	300	Security deposited	
28	Young Liberator news paper, Bombay	1,000	Ceased	
29	Sota newspaper, Bombay	1,000	Paper not started	
30	Mahratta newspaper, Poona	2,000	Security deposited	
31	Parsi Patrika newspaper, Bombay	1,500	Paper not started	
32	Kaliyuga newspaper, Bombay	2,000	Ceased	
33	Workers' Weekly news paper, Bombay	2,000 No representation received	Security not deposited Commissioner of Police requested to prosecute publisher for publishing the paper without depositing the security	
34	Naubat newspaper, Bombay	2,000 Do.	Ceased.	
35	Vidyarthi newspaper, Amalner, East Khandesh.	1,000	Do	
36	Shri Lokamanya newspaper, Bombay	1,000	Paper not started.	
37	Kranti newspaper, Bombay	2,000 No representation received.	Ceased.	
38	Rajasthan Hind newspaper, Bombay	1,000	Do.	
39	Aftab newspaper, Bombay	2,000	Paper not started	
40	Praja Bandhu newspaper, Ahmedabad	1,000 No representation received.	Ceased.	

Serial No	Name of newspaper from whom security has been demanded	Amount of security demanded or whether reduced or not on representation	Whether security was deposited or newspaper ceased publication or did not start in view of demand for security	Remarks
1	2	3	4	
		Bombay—contd.		
		Rs		
41	Dunka newspaper, Bombay	1,000 No representation received	Ceased	
42	Hindustan and Prajamitra newspaper, Bombay	2,000 Do	Security deposited	
43	Shakti newspaper, Ahmedabad.	1,000 Do	Security not deposited Notice defied	
44	Messenger of Youth news paper, Bombay	2,000	Paper not started	
45	Navjivan newspaper, Ahmedabad	2,000 No representation received	Notice defied Action under consideration	
46	Young India newspaper, Ahmedabad	2,000 Do	Do	
47	Hindu Jati newspaper, Karachi	5,000 No representation	Notice served on publisher Sachanand Pherumal in Hyderabad Jail He has applied for transfer to Karachi Prison to enable him to make arrangements So far paper continues to be published Further action under consideration	
48	Kalyug newspaper, Bombay	2,000 Do	Ceased	
49	Prajamat newspaper, Godhra	2,000 Do	Paper ceased publication on being warned by District Magistrate that security was to be taken	
50	Nutan Gujarat newspaper, Ahmedabad	1,000 Do	Ceased	
51	Bombay Vartaman news paper, Bombay	1,500	Paper not started	
52	Torch Bearer newspaper, Bombay	1,500	Do	
53	Sudershan newspaper, Surat	1,000 No representation	Ceased	
		United Provinces		
54	The Sainik, Agra	2,000	Do	
55	The Shakti, Almora	1,000	Result not yet known.	
56	The Aj, Benares	2,000	Ceased.	
57	The Pratap, Cawnpore	3,000	Do	
58	The Swadhin Praja, Almora	3,000	Do	
59	The District Gazette, Azamgarh.	5,000	Do.	
60	The Sach, Lucknow ..	1,000 ..	Result not yet known	

Serial No	Name of newspaper from whom security has been demanded	Amount of security deded or whether reduced or not on representation	Whether security was deposited or newspaper ceased publication or did not start in view of demand for security	Remarks.
1	2	3	4	5
		United Provinces—contd		
		Rs		
61	The Parivartan, Saharanpur	1,000	Result not yet known	
62	The Vartman, Cawnpore	2,000	Security not deposited The question of taking further action under consideration	
63	The Chand, Allahabad	2,000	Result not yet known	
	The Desh Mitra, Balia	1,000	Suspended publication	
65	The Kshattriya Yuvak, Lucknow	1,000	Result not yet known	
66	The Swetambar, Jain, Lucknow	1,000	Do	
		Punjab		
67	Zamindar, Lahore	2,500 No representation	Security has been deposited	
68	Partap, Lahore	2,500 Do	Do	
69	Akali Amritsar	2,500 Do	Ceased	
70	Ash Qaumi Dard, Amritsar	2,500 Do	Do	
71	Guru Ghantal, Lahore	2,500 Do	Do	
72	Haqiqat, Multan	1,500 Do.	Do	
73	Tarjuman i Sarhad, Rawalpindi	2,000 Do	Do	
74	Shihab, Rawalpindi	2,000 Do.	Do	
75	Kirti Urdu, Amritsar	5,000 Do	Do	
76	Kirti Gurmukhi, Amritsar	5,000 Do	Do	
77	Desh Sewak, Jullundur	5,000 Do	Do	
78	Bande Matram, Lahore	3,000 Do	Security has been deposited	
79	Kirpan Bahadur, Amritsar	2,500 Do	Ceased	
80	Jhang Sial, Gujranwala	2,500 Do	Do	
81	Nadharak, Gujranwala	2,500 Do	Do	
82	Islah, Lyallpur	2,000 Do	Do	
83	Hariana Tilak, Jhajjar, District Rohtak	1,500 Do	Do	
84	Naujiwan, Multan	1,000 Do	Do	
85	Akali te Pardesi, Amritsar	2,000 Do.	Do	
86	Naujawan Hindustan, Amritsar	2,000 Do	Do	

Serial No	Name of newspaper from whom security has been demanded	Amount of security demanded or whether reduced or not on representation	Whether security was deposited or newspaper ceased publication or did not start in view of demand for security	Remarks.
1	2	3	4	5
		Punjab—contd		
87	People, Lahore	Rs 1,000 No representation	Ceased	
88	Vir Bharat Lahore	2,000 Do	Security has been deposited	
89	Milap, Lahore	1,000 (No representation made)	Security deposited	
90	Dharamvir, Amritsar	1,500 Do	Ceased	
91	Hamdard, Lahore	1,000 Do	Do	
		Burma		
92	Rangoon Mail English News paper	2,000	Ceased	
93	Swatantram Tamil News paper, Rangoon	2,000	Do	
94	Wunthanu Thadinsa Burmese Newspaper Rangoon	1,000	Do	
95	Prachi Prakash Hindi News paper, Rangoon	2,000	Do	
96	Desopakari Tamil News paper, Rangoon.	2,000	Do	
		Bihar and Orissa		
97	Searchlight Newspaper, Patna.	3,000	Ceased	
		Central Provinces		
98	Lokmat, Jubbulpore	1,000 No representation	No	
99	Karmavir, Khandwa	500	No	
		Assam		
100	The Assamiya ,Gauhati .	2,000	Ceased	
101	The Janasakti, Sylhet	2,000	Do	
102	The Sylhet Chronicle, Sylhet	1,000	Do	
103	The Panchajanya, Karimganj	500	No information	
		N W F Province		
104	Sarhad Newspaper, Peshawar	2,000	Ceased	
105	Pakhtun Newspaper, (Monthly) Peshawar	2,000	Do.	
106	Kesari Newspaper, Peshawar	2,000	Do	

Serial No	Name of newspapers from whom security has been demanded	Amount of security demanded or whether reduced or not on representation	Whether security was deposited or newspaper ceased publication or did not start in view of demand for security	Remarks
1	2	3	4	5
		Delhi Rs		
107	Daily Tej	5,000	Ceased	
108	Hindustan Times	5,000	Do	
109	Arjun	5,000	Do	
110	Hindu Sansar	2,000	Do	
111	Shuddhi Samachar	500	Security deposited.	
112	Riyasat	2,000	Do	
113	Millat	2,000	Security waived on representation	
114	Aljamiat	500	Security deposited	
115	Tej	2,000	Declaration and security not yet filed New publication for which it was desired to make declaration	
116	Paigam i Jang	1,000	Do	
117	Qaumi Gazette	2,000	Do	
118	Tijarat	2,000	Security waived, but declaration not yet made New publication for which it was desired to make declaration	
119	Shakti	2,000	Do	
120	India	2,000	Security waived, but declaration not yet made	
121	Hukumat	2,000	Security waived	
122	Peshwa	2,000	Do	
123	Khwaja School Gazette	2,000	Do	
124	Mahabir	2,000	Do	
125	New Capital	2,000	Do	
126	Khabardar	2,000	Do	
127	Sarvadeshik	2,000	Do	
128	Mashir i Saltanat	2,000	Do	
129	Indian Post	2,000	Do	
130	Hindustan	2,000	Do.	
131	Fauji Magazine	2,000	Do	

ALLEGED ASSAULT BY POLICE OF WOMEN AND CHILDREN IN CALCUTTA, BOMBAY, LUCKNOW, ETC, IN DEALING WITH THE CONGRESS MOVEMENT.

117 **Mr S. C. Mitra**: Will Government be pleased to state whether it has come to their notice that the police in dealing with the

Congress movement freely assaulted and wounded several peaceful women and children with a *lathi* charge in Calcutta, Bombay, Lucknow and other places of India ?

The Honourable Mr H G Haig The Government of India understand that in some places women have received injury in the course of the dispersal of crowds They regret that any injury should have been so caused.

ANTICIPATED EXTRA EXPENDITURE AND FALL IN REVENUE AS A RESULT OF THE CONGRESS MOVEMENT

118. **Mr. S. C. Mitra** : Will Government be pleased to state what extra expenditure and what extent of fall in revenue the Government anticipate as a direct result of the Congress movement, and how do they propose to meet the deficit ?

The Honourable Mr H G Haig : No attempt has yet been made to estimate the effect of the civil disobedience movement on Central and Provincial finances

AIR CRAFT TRAINING INSTITUTION IN INDIA

119 **Mr S. C. Mitra** : Will Government be pleased to state the number of institutions, if any, in India for the training of students in air-craft ? If none, do Government propose to open any in the near future ?

The Honourable Sir Joseph Bhore : The reply to the first part of the question is " Nil "

The reply to the second part is in the negative

DISTRIBUTION OF THE MONEY PAID BY THE INDIAN RAILWAY CONFERENCE ASSOCIATION TO EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, SIMLA.

120 **Mr S C. Mitra** : (*a*) Are Government aware that the Indian Railway Conference which get their work done in the Government of India Press, Simla, every year, on payment, send an amount of Rs 250 as donation for distribution among the employees of the Press ?

(*b*) Is it also a fact that this money is not distributed to all the employees but confined simply to certain special favourite hands ?

(*c*) Are Government prepared to issue instructions to the Controller that in future this amount is equally distributed among all the employees who all, more or less, perform a certain amount of work in one way or the other ?

(*d*) Is it a fact that if at the time of disbursement of this donation any employees are on leave, the payment is withheld by the Cashier and not paid to them even on their resuming their duty ?

(*e*) Will Government be pleased to

(*i*) place on the table the disbursement list for the last five years and state what amount was left undisbursed every year ,

(*ii*) whether it was ever refunded to the Association or to the Government and if not, why not, and how the amount has been accounted for , and

(*m*) has any information ever been asked for from the Manager by the Controller of Printing in this connection ? If not, why not ?

The Honourable Sir Joseph Bhore : (*a*) Yes

(*b*) No

(*c*) Does not arise

(*d*) Men are paid their shares on their claiming them within a period of two months Men on leave have been paid their shares on return to duty even after the expiry of the period There is, however, generally a small balance which remains undistributed

(*e*) (*i*) Government do not propose to place the disbursement lists on the table The amounts left undisbursed for the last five years are as follows

	Rs	A.	P
1925	12	8	0
1926	8	4	0
1927	12	8	0
1928	9	4	0
1929	13	10	0

(*ii*) and (*iii*) The Controller, who has not hitherto been aware of the donation or of the method of its distribution, is being instructed to make an enquiry in regard to it and to submit a report

QUARTERS AND HOUSE RENT FOR THE PEONS OF THE GOVERNMENT OF INDIA OFFICES

121 **Mr S C Mitra** . Is it a fact that several peons of the Government of India offices are forced to live in one small room, and if so, are Government prepared to consider the question of providing more quarters or allowing them house rent to enable them to get quarters elsewhere ?

The Honourable Sir Joseph Bhore : One room is allotted to more than one peon only when it is considered that it can suitably accommodate more than one man Government do not propose to build more quarters for peons at present Those peons who are not provided with Government quarters are given house rent allowance instead

LEAVE APPLIED FOR BY THE EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, SIMLA

122 **Mr. S C. Mitra :** (*a*) Will Government be pleased to place on table a list of the employees of the Government of India Press, Simla, who during the last three years applied for leave for less than ten days on account of illness and who were asked to submit medical certificates although the leave applied for by them was earned and was due to them ?

(*b*) Is it also a fact that no such certificates have ever been asked for to be produced by the men in the clerical and accounts section and, if so why distinctions exist in various sections in the same Press ?

The Honourable Sir Joseph Bhore : I propose to deal with questions Nos. 122, 123 124 and 130 together. The Controller of Printing

and Stationery is responsible to Government generally for the efficient administration of the Government of India Presses and Government do not propose to call for information regarding these administrative details which are matters for his discretion

CARRYING OF HEAVY BUNDLES BY THE PEONS OF THE GOVERNMENT OF INDIA PRESS, SIMLA

†123 **Mr. S. C. Mitra** . Is it a fact that the peons in the Government of India Press, Simla, are forced to carry very heavy bundles weighing over 25 or 30 seers every day to the various offices located in different and distant places for which purpose the coolie rate is 4 to 8 annas per trip, and if so, are Government prepared to consider the question of issuing instructions to engage coolies in all such cases in future ?

GRADATION LISTS FOR THE PRINTING AND CLERICAL SECTION OF THE GOVERNMENT OF INDIA PRESS, SIMLA

† 124 **Mr S C Mitra** : (*a*) Is it a fact that in the printing and clerical sections of the Government of India Press, Simla, no gradation list has yet been maintained, and if so, why ?

(*b*) Are Government prepared to instruct the Controller of Printing to see that this is done at the earliest possible moment ?

HOLDING OF ALL HIGHER APPOINTMENTS IN THE GOVERNMENT OF INDIA PRESS, SIMLA, BY MUHAMMADANS

125 **Mr S C. Mitra** : Are Government aware that the majority of almost all the higher appointments in the Government of India Press, Simla, are held purely by Muhammadans, and of the consequent discontent felt by Sikhs, Christian and Hindu employees which has been prevailing for a long time ? Are Government prepared to inquire into the matter ?

The Honourable Sir Joseph Bhore : Government have no information of the alleged discontent. The supervisory staff of the Government of India Press, Simla, of and below the grade of Assistant Manager, are filled by nine Hindus, five Muhammadans and one Christian The last part of the question does not arise

ADDITIONAL DUTIES DONE BY THE PEONS OF THE GOVERNMENT OF INDIA PRESS, SIMLA

126 **Mr S C. Mitra** : Is it a fact that the peons in the Government of India Press, Simla, besides their official duties are also forced to perform, in addition, the work of firemen and for which purpose they are required to attend drills, etc. ? If the answer to this is in the affirmative, will the Government be pleased to state what additional remuneration is given to them for this extra work required of them, and if not, do Government propose to see their way of, appointing a proper fire station staff for the purpose ?

The Honourable Sir Joseph Bhore : The peons in accordance with a long standing practice attend fire parade for about half an hour once a month No extra remuneration is paid to them Government do not propose to appoint a separate fire station staff for the purpose

†For answer to this question, *see* answer to question No 122

DISCREPANCIES FOUND IN HIS EXCELLENCY THE VICEROY'S PRESS

127 **Mr S C. Mitra** . Are Government aware that the Examiner, Government Press Accounts in the course of audit of accounts of the Press of His Excellency the Viceroy, came across some serious discrepancies found in the cash and other accounts of the Press, which have already been brought to the notice of the Private Secretary to His Excellency the Viceroy ? Will Government be pleased to lay on the table a copy of the correspondence between the Examiner, Government Press Accounts and the Private Secretary to His Excellency the Viceroy and state what action has been taken against the persons responsible for keeping wrong accounts, and if not, why not ?

The Honourable Sir Joseph Bhore : Government are aware that certain irregularities were discovered in the course of auditing the accounts of the Press of the Private Secretary to His Excellency the Viceroy. A thorough enquiry is being made into these irregularities, and until this is completed it is impossible to say what action will be taken The enquiry has so far gone to show that there was no embezzlement of Government money and that the defects referred to were at the most serious irregularities in procedure Steps have already been taken to prevent the recurrence of these

INTRODUCTION OF A PROVIDENT FUND FOR PRESS EMPLOYEES AND AMALGAMATION OF CERTAIN OF GOVERNMENT PRESSES

128 **Mr S C Mitra** : Will Government be pleased to state if they are yet in a position to give their decision regarding the Provident Fund, the rules of which have long been under consideration by the Secretary of State for India ? If not, do Government propose to expedite the matter ? Will Government be pleased to state if they intend amalgamating wholly or partially the presses of the Government of India at Calcutta and Simla with the Government of India Press, Delhi, and if so, when ?

The Honourable Sir Joseph Bhore : The question of framing rules for the provident fund is still under consideration and the matter is being expedited

The answer to the concluding portion of the question is in the negative

NUMBER OF EMPLOYEES OF DIFFERENT COMMUNITIES IN THE GOVERNMENT OF INDIA PRESS, SIMLA, RECRUITED DURING THE TIME OF BABU JAWAHAR KHAN, OFFICIATING ASSISTANT MANAGER

129. **Mr S C. Mitra** : Will Government please lay on the table a statement showing the number of Hindus, Muhammadans, Christians and Sikhs recruited in all the Industrial Branches of the Government of India Press, Simla, since B Jawahar Khan's appointment as Officiating Assistant Manager ?

The Honourable Sir Joseph Bhore : Mr. Jawahar Khan is not responsible for the recruitment of the industrial staff of the Government of India Press, Simla. Government regret that they cannot undertake to collect the information desired by the Honourable Member as it would entail an amount of time and labour disproportionate to the result.

PROMOTIONS IN THE GOVERNMENT OF INDIA PRESS, SIMLA

†130 **Mr. S C Mitra** : Are Government aware that the claims of the senior men of all the branches of the Government of India Press, Simla, are neglected and that generally promotions to higher grade are given to those men who work in B Jawahar Khan's Press after office hours ?

ALLEGATIONS AGAINST BABU JAWAHAR KHAN, OFFICIATING ASSISTANT MANAGER, GOVERNMENT OF INDIA PRESS, SIMLA

131 **Mr. S C. Mitra** : (*a*) Is it a fact that Messrs Jugdish and Abdul Rahim are the seniormost compositors in their branch, but that whenever an opportunity arises to officiate in the post of section-holder or assistant section-holder the chance is given to a junior compositor ?

(*b*) Is it a fact that the real owner of the Press known as King George Press is B Jawahar Khan, the Assistant Manager of the Government Press, Simla ? If so was any sanction obtained by the above man ?

(*c*) Is it a fact that Nathu Ram, Mechanic and Mistri Nazir of the Government Press, Simla, generally repair the machines of George Printing Works on Sundays and other holidays ?

(*d*) Is it a fact that members of all branches of Government of India Press, particularly compositors are compelled to work in the press owned by B Jawahar Khan, after office hours ?

(*e*) Is it a fact that if any employee of the Government Press, Simla, refuses to work in the above Press, his time is generally deducted by B Niaz Mohamed, time-checker, who is brother-in-law of B Jawahar Khan ?

(*f*) If the replies to the above questions are in the affirmative, are Government prepared to inquire into the matter and take necessary action ?

The Honourable Sir Joseph Bhore : (*a*) The Controller of Printing and Stationery is responsible to Government generally for the efficient administration of the Government of India Presses and Government do not propose to call for information regarding these administrative details which are matters for his discretion

(*b*) to (*f*) Government have no information, but they are asking the Controller of Printing and Stationery to enquire into the allegations contained in parts (*d*) and (*e*) of the question

EMPLOYEES OF DIFFERENT COMMUNITIES IN LINO AND MONO SECTIONS OF THE GOVERNMENT OF INDIA PRESS, SIMLA

132 **Mr S C Mitra** (*a*) How many permanent Mono and Lino Operators are there in Government of India Press, Simla, and what is the number of Hindus, Muhammadans, Christians and Sikhs ?

(*b*) How many apprentices (learners) are there in Mono and Lino Branches and what is the number of Hindus, Muhammadans, Christians and Sikhs ?

(*c*) How many Mono and Lino permanent operators and learners are recruited since Mr. Jawahar Khan's appointment as Officiating Assistant Manager and what is the number of Hindus, Muhammadans, and Christians and Sikhs ?

†For answer to this question, *see* answer to question No 122.

The Honourable Sir Joseph Bhore :

(*a*)	*Hindus*	*Muhammadans*	*Christians*	*Sikhs*
	7	12	2	1

(*b*) and (*c*) There are no regular apprentices (learners) attached to the Lino and Mono Sections There are a number of employees already in the press who have been allowed at various times to learn the operation of these machines. When a permanent incumbent is absent the most suitable of these learners is deputed to work on the machine so that when permanent vacancies occur the Manager may have a nucleus from which permanent appointments can be made Since 1925, the following press employees, according to communities, have had an opportunity of learning to work on the machine

Muhammadans	11
Hindus	4
Christians	2

Out of these two Hindus, one Muhammadan and one Christian have been appointed either to the Lino or Mono Departments Of the remaining 13 learners, one Hindu and one Muhammadan are dead One Christian left the press, and one Hindu was at his own request removed from the Lino department

EXCESSIVE WORK AT THE GOVERNMENT OF INDIA PRESS ON EMPIRE DAY

133 **Mr S C. Mitra** (*a*) Is it not a fact that under the Factories Act after four or five hours, half an hour rest is compulsory ?

(*b*) Is it not a fact that on 24th May on account of the Empire Day, the Government of India Press was entirely closed ?

(*c*) Is it not a fact that some employees of the Press were called upon by Mr Jawahar Khan, Officiating Assistant Manager, to attend the Press for an urgent work ?

(*d*) Is it not a fact that the members concerned worked from about one P M to twelve in the night and they were not allowed a single minute's rest during the time quite contrary to the Factories Act ?

(*e*) Do Government propose to make an inquiry and take action in the matter ?

The Honourable Sir Joseph Bhore : (*a*) The Act prescribes periods of rest of not less than one hour at intervals not exceeding six hours but the arrangement may be varied at the request of the employees concerned

(*b*) It was a closed holiday.

(*c*) Yes, under the orders of the Government of India

(*d*) The answer to the first part is in the affirmative and to the second part in the negative

(*e*) Does not arise

APPOINTMENT OF INDIANS AS LOCO-FOREMEN, YARD CONTROLLERS AND STATION SUPERINTENDENTS ON THE GREAT INDIAN PENINSULA RAILWAY.

134. **Mr. S C. Mitra** : With reference to the reply given to Kumar Ganga Nand Sinha to his starred question No. 770 in the Legislative

Assembly of the 23rd September, 1929, will Government be pleased to state why, so far, it has not been found possible to employ on the Great Indian Peninsula Railway more than one Indian as Loco-Foreman, Yard-Controller, and no Indian as Station Superintendent ?

Mr. A. A L Parsons : I have called for information from the Agent, Great Indian Peninsula Railway, and will communicate with the Honourable Member on its receipt

APPOINTMENT OF APPRENTICES ON THE GREAT INDIAN PENINSULA RAILWAY.

135. **Mr S C Mitra** With reference to the replies to my starred questions Nos 538 and 539 put in the Legislative Assembly on the 16th September last in regard to the transportation apprentices on the Great Indian Peninsula Railway, will Government be pleased to state if the apprentices have completed their training ? If so, what appointments have they been posted to and do Government propose to appoint immediately these qualified recruits as Loco Inspectors, Assistant Loco Foremen ? If not, why not ?

Mr A A L Parsons I am making enquiries from the Agent, Great Indian Peninsula Railway, and will communicate with the Honourable Member on receipt of the reply

QUALIFICATIONS FOR POSTS OF HEALTH OFFICERS OF IMPORTANT PORTS AND MUNICIPALITIES IN INDIA

136 **Mr Fazal Ibrahim Rahimtulla and Mian Mohammad Shah Nawaz** : Will Government please state if it is a fact that in accordance with orders issued by the Government of India, persons applying for appointment as Health Officer of important ports and municipalities in India are required to possess a diploma in Public Health granted in the United Kingdom and that persons who hold a Public Health Diploma of an Indian University are not eligible to hold such appointments ?

Sir Frank Noyce : No, Sir Local Governments now possess full power to make appointments on such terms as they think fit to posts of the kind referred to by the Honourable Member except to the Port Health Officerships of Bombay and Aden, which are reserved for officers of the Indian Medical Service In the case of these two posts it is the practice to select officers who have specialised in Public Health, but no rules have been laid down prescribing the qualifications they should possess

DISCONTINUANCE OF SUMMER CONCESSION TICKETS FROM LAHORE TO SIMLA

137. **Dr Nand Lal** : (*a*) Is it a fact that first and second class Railway concession tickets, which used to be issued in the Summer from Lahore to Simla in some previous years have been discontinued this Summer ? If so, why ?

(*b*) If the answer to part (*a*) be in the affirmative, will Government be pleased to state whether there has been a decrease so far in the number of passengers this Summer up to the end of June, 1930, when compared with the number of passengers who travelled from Lahore to Simla in the same period of the last summer ?

Mr A A L Parsons : (*a*) Concession return tickets are being issued from all North Western Railway stations to Simla—and not only from Lahore—as in previous years, but this year the fares charged over the Kalka-Simla section during the months of June to September have not been reduced by about 50 per cent as in the last three years The latter reduction was purely experimental, and the results have not justified its continuance

(*b*) The number of passengers travelling from Lahore to Simla during June, 1929, compare with the number in June, 1930, as follows

	June, 1929	June, 1930
First class	71	70
Second class	106	75
Inter class	91	60
Third class	489	540

MOTIONS FOR ADJOURNMENT

TREATMENT RECEIVED BY TWO CONGRESS VOLUNTEERS FROM THE POLICE IN SIMLA

Mr. President : Last evening I received the following notice for a motion of adjournment from Mr Nehal Singh, M L A The notice runs as follows

"Written Statement of the definite matter of urgent public importance left with the Secretary under Standing Order 22 which the undersigned proposes to discuss

To

The Secretary, Legislative Assembly, Simla

1 That on 13th July afternoon two European Police Officers at Simla Mall asked two Congress volunteers who were in Congress volunteers' uniform, and who were informing the public of meeting to be held, to leave the Mall

2 That volunteers responded that they were doing their duty in a peaceful manner, and that as peaceful citizens of Simla they had every right to walk in the Mall

3 That therefore the police officers mentioned above in paragraph 1 pushed the aforesaid volunteers and beat them

4 That in consequence of the unlawful and merciless beating, one of the volunteers is in precarious and dangerous condition

5 That the above mentioned unlawful conduct of the above mentioned police officers agitated the public mind People in hundreds collected

6 That the aforesaid sad and unlawful occurrence has given birth to a serious political agitation in Simla The present very dangerous condition of the seriously injured volunteer has today caused a great sensation and has inflamed the public This present condition constitutes a definite matter of urgent public importance within the purview of section 45 of the Manual of Business and Procedure, and the undersigned hereby gives notice to the Secretary, Legislative Assembly, that he wants to ask for leave to move the Adjournment of the business of the day for the purposes of discussing the same, namely, above described definite matter of urgent public importance

(Sd.) NEHAL SINGH, M.L.A"

I would like to know what the Government have got to say on this motion.

The Honourable Mr H. G Haig (Home Member) Sir, I should like to submit for your consideration whether these events constitute a matter of public importance within the meaning of the rules I can well understand that Honourable Members take a special interest in events that happen in Simla, of which accounts, possibly somewhat exaggerated, are likely to reach them On that particular point as to whether the account has been exaggerated or not, I would like to say that I received some papers only while I was actually in the House this morning and that I have not had time yet to read through them But one point which I think is quite clear from those papers is that neither of the volunteers in question can be described in any way as being in a dangerous or precarious condition

An Honourable Member . What is your evidence ?

The Honourable Mr H G Haig . It is the report of the Deputy Commissioner

Mr Gaya Prasad Singh (Muzaffarpur *cum* Champaran Non-Muhammadan) Did he examine the volunteers ?

The Honourable Mr H G Haig I have not been through all the papers, but I think it is clear that he sent a Magistrate to examine them, and that the volunteers refused to go, or the Congress Committee refused to send them to the hospital, and in the opinion of the Magistrate they were not at all in a serious condition, and they would not agree to be examined by an Assistant Surgeon

Well, Sir, I would submit that, though one fully realises the interest which the House is bound to take in any incident of this nature happening in the place in which they are actually sitting, we should not, on that account, lose sight of the true perspective of events Had this happened anywhere else I would submit that it would not be the kind of thing which would be regarded as justifying the House in adjourning its business I would suggest that the matter might perhaps be more conveniently dealt with by the process of question and answer , and if the Honourable Member wishes to put a short notice question on the subject, so far as I am concerned, I shall have no objection to answering him

Mr. Gaya Prasad Singh Sir, I am very much surprised to see that my Honourable friend the Home Member should have been arguing his case as a pettifogging lawyer in a third class Deputy Magistrate's Court He takes shelter under the plea that this is not a matter of public importance Sir, it is in pursuance of a policy which has been inaugurated by the Government of India that these arrests and these merciless beatings are taking place all over the country , and here under the very nose of the Government of India, and under the very shadow of the Viceregal Lodge and this House people are being molested from doing things which they have every right as citizens of this country to do Sir, the other day I myself saw how the volunteers were prevented from going to the upper Mall, and shall have something to say if you rule this matter in order

My Honourable friend the Home Member says that the wound is not a serious one ; the other day, I myself saw the injured volunteers in the Congress office.

Mr. President : The question of the seriousness of the wound has nothing to do with the constitutional question before the House now

Mr. Gaya Prasad Singh . Since the Home Member raised the point that it is not a serious wound, and has quoted the opinion of a very eminent doctor, the Deputy Commissioner, who himself had not seen the patients, I am entitled to refute it by saying that I have got in my hand, in original, the certificates of Dr Mukand Lal, M B , B S , who describes the condition of one as grave, and I showed the certificates to the Home Member yesterday, and if I may be permitted to read the certificate it will be clear how the condition is

Mr President · I do not think it is necessary at this stage

Mr Gaya Prasad Singh All right, Sir, then my Honourable friend went on to say that the volunteers had declined to go, or the Congress people had refused to send them to hospital I say they believed they had ample justification to do so They have absolutely lost all confidence in Government, and Government officers , and if they had been sent to the hospital, they thought the doctor in charge might have given a certificate that the volunteers were not suffering from serious injuries

Lieut -Colonel H A J Gidney (Nominated Anglo-Indians) Question Do not talk about doctors like that

Mr Gaya Prasad Singh · You are a nominated Member of the House and you have no right to question Please find out your constituency before you can question an elected Member of the House I am merely saying what the Congress people told me

Lieut -Colonel H. A J. Gidney That is crass impertinence on your part How dare you insult the medical profession in this House ? I shall not tolerate it Though a nominated Member, my constituency is longer than yours and covers all India and Burma

Mr. President · Please address the Chair

Mr Gaya Prasad Singh · Under rule 11 a motion for the adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the President. I submit this is a definite matter in so far as the terms of the motion refer to a definite incident I am surprised to hear that it is not a matter of public importance The right of the meanest citizen to walk on a public road is a matter of public importance and under what law can he be prevented and assaulted ? I never expected that the Home Member would take such a light-hearted view of this matter Under rule 12, it must be a specific matter of recent occurrence This is a specific matter of recent occurrence, and I therefore submit that this is a definite matter of urgent public importance in terms of the rule. And not only that, some time back Dr. Varma, the Secretary of the local Congress Committee, was unlawfully arrested and assaulted on the Mall Sir, the whole thing takes place in pursuance of a policy which has been deliberately adopted by the Government of India in order to crush the present Nationalist movement, which I think they will never be able to crush by their present methods, as the feeling is permeating the masses

Mr. M. R Jayakar (Bombay City Non-Muhammadan Urban) Sir, without importing heat into the debate, I may say that I do not think that the Honourable the Home Member was really serious when he said that this was not a matter which fell under the Standing Orders as raising a case for a motion for adjournment The Standing Order lays down, Sir, two or three tests , first, the matter must be of recent occurrence , secondly, it must be of definite public importance , and thirdly, it must be urgent I submit, Sir, all these tests are satisfied by the facts which have been put before us They have been testified to by two Members of this House I may mention, Sir, that since the House began its sittings, nearly every evening complaints have been made to me about the unlawful behaviour of the police—it is nothing but unlawful—but I have said to my friends, " let us get a statement from people who have witnessed the unlawful behaviour " Today, Sir, these facts have been placed before the House by two Honourable Members who belong to the House, and they have definitely stated, in four or five paragraphs, what they themselves have witnessed and then they wind up by saying that

" This unlawful occurrence has given birth to a serious political agitation in Simla The present very dangerous condition of the seriously injured volunteer has caused a great sensation and has inflamed the public This present condition constitutes a definite matter of urgent public importance within the purview of section 45 of the Manual of Business and Procedure "

I am surprised, Sir, that in a place where the Viceroy resides and when this House is sitting, under our very nose if I may say so, these breaches of the law are committed by the custodians of law and order, and yet my friend the Honourable the Home Member says that this is not a proper matter of which this House can take cognisance I know the Honourable the Home Member, and I have too great a respect for his intelligence to believe that he could have been serious when he argued that this was not a matter which the rules made it possible for us to take notice of

Dr Nand Lal (West Punjab Non-Muhammadan) Sir, at this stage we have to discuss the constitutional question We have nothing to do with the merits If this motion is in order, then it deserves to be moved Now, the best test to examine whether the motion is in order or not is to look into the provisions of paragraph 44 of the Manual of Business and Procedure, which appears to be the only preventive provision When we examine the provisions of paragraph 44, we find that this motion, which is now before the House is in order The point raised by the Honourable the Home Member is this, that the point involved in the motion could be raised by means of a short notice question, and an answer could be given Now, Sir, I do not think this is a proper answer which will satisfy this side of the House He has not made out a case to prove that this motion does come within any of the clauses of paragraph 44 It does not fall under clause (*i*), which says that not more than one such motion shall be made at the same sitting , so this clause is not applicable Clause (*ii*) says that not more than one matter can be discussed on the same motion , this is not also applicable Then clause (*iii*) says that the motion must not revive discussion on a matter which has been discussed in the same Session ; this clause also is not applicable. Then comes clause (*iv*), which says that a motion must not anticipate a matter which has been previously appointed , this is also

[Dr Nand Lal]

not applicable And lastly clause (*v*) which says that the motion must not deal with a matter on which a Resolution could not be moved It does not fall within the purview of this clause either, because a Resolution could be moved This event occurred only on the 13th of this month, about three days ago It is most recent , it is not a belated thing

Then on the question of public importance Volunteer or no volunteer, " A " or " B " has got a legitimate right to walk on the Mall If he is a volunteer, he is still a subject of His Majesty ; he is a citizen of this town, and he has every right to walk on the Mall Why was he pushed ? Therefore, Sir, this is an infringement of a public right, the right of every citizen of this town, and in so far as to whether this is a matter of public importance I say there can be no two opinions about it, that this is a matter of public importance The matter is urgent, because the occurrence took place only three days ago No wonder, a number of occurrences of a similar type may take place and the public may be agitated No wonder it may strengthen the present civil disobedience movement Consequently, there is no doubt that it is of the highest importance The matter is urgent also, because if it is not discussed in the House, then it may result in evil consequences Urgent it is, so far as urgency is concerned, and there can be no two opinions about it I do not think any Member of this House will challenge the question of urgency so far as this point is concerned Therefore, the matter being one of public importance and it being urgent, because it is recent, I submit the motion is perfectly in order according to the provisions of paragraph 45 of the Manual The statement of facts has been left with the Secretary , a proper motion has been moved , and it is, thus, in keeping with Standing Order 22, and paragraph 46 of the Manual of Business and Procedure, and, therefore, it must be accepted I am not going into the merits, but, in passing, I may submit that there is no open challenge to the whole service, I mean the police Some of the police officers are very honest , nobody can deny that The present motion relates to only those two sergeants or two policemen who have infringed the law The public have got to respect the law , so the Government officials too have got to respect it, namely, the law Maintenance of law and order leads to happiness, and disobedience to law leads to misery (Opposition Cheers) Sir, since this law has been infringed by two police officers or two policemen, I submit this motion must be allowed to be discussed in this House

Mr C S Ranga Iyer (Rohilkund and Kumaon Divisions Non-Muhammadan Rural) The Honourable the Home Member made a very unsatisfactory statement He did not seriously question that this was not a matter of urgent public importance But he said that this matter could be raised by means of a private question

The Honourable Mr. H. G Haig : I said public question, Sir, in this House

Mr C S Ranga Iyer : Sir, the Honourable the Home Member also stated that he was in possession of certain reports It is impossible for this House to know all that he has got in his possession, and he said that he had so much in his possession that he did not find time to read through it Sir, the House is entitled to know what is in his possession

and to pass its own opinion It he satisfies the House, the censure motion will be withdrawn He made out a case not in reference to the motion, before the House, but for a motion as to why he did not disclose the facts Now, Sir, the question has become even more urgent, because the Home Member has conducted an inquiry into it, and the House is perfectly entitled to know what the result of that inquiry is in order to offer its opinion If the result of the inquiry is satisfactory then the House will be inclined to withdraw the censure motion, but I think, Sir the present motion is quite in order

Mr President I quite agree with my Honourable friend Dr Nand Lal, that at this stage we need not go into the details of the case but should confine ourselves only to the constitutional issue of the motion before the House

The matter to which this Motion relates is, no doubt a definite one, and also a matter of recent occurrence But the mere fact of its being definite and of recent occurrence is not sufficient for allowing a discussion on the motion It must also be shown that it is "urgent" and of "public importance"

The action of "pushing" and "beating" by "two European Police Officers at Simla" of "two Congress volunteers", howsoever objectionable, unwarranted and undesirable it may be, cannot by any stretch of imagination be called "urgent" and of "public importance"

Motions for adjournment are meant for obtaining an immediate debate on grave and serious matters, which cannot otherwise be immediately and effectively dealt with, and the very object of such motions will be lost if they are permitted to assume the character of an ordinary course of action of every day occurrence "The formal moving of the adjournment of the House as a tactical method of introducing new matter into the day's work has during the nineteenth century been gradually but steadily discouraged by the rules of the House", says Josep Redlich in his Procedure of the House of Commons Further on, the same author says, "By the present rules such a motion for adjournment can only be permitted in case of special urgency", and I am anxious that the same principle should be established in this House "The Speaker has repeatedly refused to allow a Member to move the adjournment of the House", says Josep Redlich, "on the ground that the matter proposed to be brought up by him was obviously not important or not urgent"

Moreover, distinction should also be drawn between matters to be discussed in this House and the matters to be discussed in the Provincial Councils, and to my mind, it would be too much interference on the part of this House as regards provincial affairs if matters for which Provincial Governments are responsible are debated in this House by means of the extraordinary method of motions for adjournment It would not be right and proper to condemn the provincial executive behind their backs in a place where they cannot defend, explain or justify their conduct. The matter referred to in this motion is certainly a provincial matter, which is not primarily the concern of the Governor General in Council

It is stated in May's "Parliamentary Practice", page 248, that,

"Motions have also been ruled out of order when it appeared that the administrative responsibility of the Government was not involved"

[Mr President]

It may also be remarked that according to Josep Redlich,

"The application must exactly fit the formula to ask leave to move the adjournment of the House for the purpose of discussing a definite matter of urgent public importance, upon which must follow the statement of the matter referred"

The application which has been presented by the Honourable Mr Nehal Singh—because of the other Honourable Member, Mr Panna Lal (*Mr Gaya Prasad Singh* "Rai Bahadur Lala Panna Lal") Rai Bahadur Lala Panna Lal, having withdrawn his notice—has also been drafted in such a form that it does not exactly fit the formula in the proper form

For the above reasons I am afraid, I must rule the motion out of order

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FIRING INTO AND VIOLATION OF THE SANCTITY OF THE SIS-GANJ GURDWARA AT DELHI

Mr President Notice of another motion for adjournment was handed to me when I was coming to this House, on behalf of the Honourable Sardar Kartar Singh I do not know if the Honourable Member in charge has got notice, and if so, whether he is ready to deal with the question

The Honourable Mr H G Haig: Notice was only handed to me in the middle of question time, and I naturally have not been able to give such attention to it as I should have liked, but if you are prepared to consider the matter now, I would submit certain considerations

Mr President I have no objection to consider it now I will read the motion

"I beg leave to move an adjournment of the House in order to discuss a very urgent and definite matter of public importance, *viz*, the very serious and critical situation arising out of the most unsatisfactory response of the Government to meet the Sikh demands and the failure of the Government to redress the legitimate grievances of the Sikhs re the firing into the Sis ganj Gurdwara by the police and wounding its inmates and causing damage to the Gurdwara and violating its sanctity by entering therein without taking off their shoes on the 6th May, 1930"

I would like to know if the Government have any objection to this motion

The Honourable Mr H. G Haig: Sir, I rise with some diffidence to suggest for consideration certain points in connection with the admissibility of this motion, for my Honourable friend, Mr Jayakar, has just accused me of not taking a serious view of these matters and has suggested that I put forward objections of a frivolous character I need hardly assure you, Sir, nor, I think, the House, that it is very far from my intention to raise any objections of a frivolous character, and if I put before you certain considerations, it is not with any desire to avoid discussion, but in order that the procedure of the House should not depart from recognised and sound lines

Now, Sir, this motion relates to the sequence of events following on the unfortunate firing which took place in Delhi on the 6th May, and I wish to submit that the events to which the Honourable Member seeks to draw attention cannot reasonably be considered to be matters of urgent importance within the meaning of the rules. I have not with me

at the moment the ruling bearing on the point, but I referred to them two days ago in connection with another motion, and I have no doubt that they are very well within your recollection The firing at Delhi took place on the 6th May Subsequent to that, a magisterial enquiry into all the events of that day took place, and the results of that magisterial enquiry were published, I should say, some three weeks or a month ago Further, the matter has engaged the most serious and sympathetic attention of the Government of India and of His Excellency the Viceroy himself Again, some time ago—I regret I have not got the dates with me, but certainly it must have been before the commencement of this Session—His Excellency the Viceroy received a deputation, a very representative deputation, of Sikh gentlemen to discuss this very matter with them Now, I understand that it is sought to bring forward this motion in order to express an opinion on the reply which was then given by His Excellency the Viceroy on behalf of his Government I submit Sir, that if the Honourable Member wished to raise this question he had ample opportunity to put down a Resolution at the beginning of this Session and that it would not be in accordance with the established practice of this House that the matter should now be raised after this length of time

Dr Nand Lal Before I may have the honour of availing myself of your kind permission to address you on this constitutional question, may I respectfully ask whether any other statement has been annexed to this motion or not ? My information is that another statement containing the most recent occurrences and the most recent unhappy incidents, which occurred only a few days ago, and which are expected to occur on the 17th (Laughter) have been embodied Lawyers will not misconstrue this Only those who are laymen will not appreciate this May I most respectfully ask whether any statement has been annexed to this motion in addition to what has been read out by the learned Chair ?

Mr President . If the Honourable Member will resume his seat, I will answer his question The only statement which I have received along with the motion which I have just read to the House is the following covering letter from the Honourable Member

" To the Secretary, Legislative Assembly

Dear Sir,

I give notice that I will move in adjournment of the House in order to discuss the attached motion which concerns a very urgent and definite matter of public importance

I remain,

Yours faithfully,

KARTAR SINGH, M L A "

Besides this statement, I have received no other statement on any fact about this matter

Dr Nand Lal : Now, I shall avail myself of your kind permission and I must obey the Chair .

Mr. President : The Chair would not compel you to speak (Laughter)

Dr. Nand Lal : This being a gift from the Chair to me, I would like to avail myself of it. Now, Sir, the Honourable the Home Member, in his usual eloquent manner and usual intelligent method, has stated his

[Dr Nand Lal]

case He has dilated upon one point, namely, that the occurrences took place on the 6th May, 1930, and that consequently this motion can never be characterised as one of urgency In addition to that, he has made a reference to a subsidiary and collateral point, namely, that there was a judicial inquiry by a Magistrate The third subsidiary point that he has referred to is that the matter was referred to His Excellency the Viceroy and that His Excellency was pleased to express his views thereon. My humble reply to these is this If my knowledge of law is not limited and if my grammatical construction of the word " urgency " is not inaccurate, then I submit that the occurrence of the 6th May is not to be construed as a belated occurrence, because in law and in procedure we do not find it mentioned that a certain specific period should not pass between the date of the occurrence and the date of the motion I cannot deny that the delay should be of a reasonable character Two months, three months or eight months or ten months are a delay which can be construed as being unavoidable We should take the law and the letter of the provision in a reasonable manner My submission is that, if my construction and my view of the word " urgent " is not inaccurate—and I believe it is accurate —then this date may be construed as such that it does not violate the idea of urgency Urgency consists of what it will lead to if this motion is not discussed Urgency has nothing to do with the question of time or delay It has to be compared with the consequences which it will lead to I very respectfully differ from those gentlemen who take a contrary view Then I say that this motion is of a public character The Sis-gunj is a sacred *dharamsala* belonging to the Sikhs It is not the property of " A ", " B ", " C " or " D " It is a public institution which is considered sacred

Mr C S Ranga Iyer (Rohilkund and Kumaon Divisions Non-Muhammadan Rural) I should like to know if this speech is in order ?

Mr President Most certainly

Dr Nand Lal : The Sikhs are a very loyal community They have produced great soldiers whose loyalty is an established fact Therefore this question is of a public character The Sikhs have taken this incident to their hearts Their sacred place has been ruthlessly violated I know non-Sikhs may not look upon this motion as one of public importance We have to deal with this question with reference to the people to whom it relates A rule of law may be applicable to community " A " and community " A " will be in a position to say whether it is of public importance or not

Rai Bahadur S C Dutta (Surma Valley *cum* Shillong Non-Muhammadan) Will the Honourable gentleman say whether the incident is of recent occurrence ?

Dr Nand Lal : A question has been put to me whether the occurrence is recent You may take any dictionary and see the meaning of the word " recent " The incident may have occurred in April or January No date is given nor a specific period is mentioned in order to make an event a recent event If you turn to any important law book or journal, you will find therefrom that the phrase " recent occurrence " does not mean that it relates to only an event which occurred two days back or two or three weeks back (*An Honourable Member* : " A century back ") Therefore, it is recent , it is not belated , it did not occur two years back or ten years back, and therefore it is recent The word " recent "

should be taken in its proper grammatical sense " Recent " is different from " present " (Laughter) Well, if any Honourable Member of this House wishes to enter into a debate with me on the grammatical construction of the words " recent " and " present ", I am quite prepared to do it (Hear, hear)

Mr B. Das (Orissa Division Non-Muhammadan) May I inquire, Sir, if there is any time-limit at this stage ?

Mr President · It is such an important question I think that Dr Nand Lal's speech should not be restricted by any time-limit

Mr D K Lahiri Chaudhury (Bengal Landholders) On a point of information, Sir, is the Honourable Member making a speech, or making observations on the adjournment motion ?

Mr. President Dr Nand Lal

Dr. Nand Lal . Now, Sir, this House

Mr C S Ranga Iyer Sir, in connection with this adjournment motion (*Several Honourable Members* " Louder please ") I want a definite ruling from you whether the Honourable Member can, at this stage, bring in matters which are not connected with the motion

Mr President . I think the speech of the Honourable Member is quite in order

Mr Amar Nath Dutt (Burdwan Division Non-Muhammadan Rural) The Honourable Member should know that Dr Nand Lal is a Doctor of Laws

Sir Cowasji Jehangir (Bombay City Non-Muhammadan Urban) I rise to a point of order Is it permitted for one Honourable Member to whisper to the President his point of order unlike my Honourable friend, Dr Nand Lal ? We have not heard his point of order

Dr Nand Lal : As, Sir, you are better aware than my humble self, when any political question relating to the constitution or rule of law arises in any legislative body, primarily it ought to be discussed and determined with reference to the procedure of business, or what is called the Manual of Business Is it laid down anywhere in this little book (which can be got by heart within two hours) as to what is the meaning of the word " recent " ? What right have you got, then, to go beyond the author of this Manual ? I am justified, then, in submitting before you, Sir, that no definition of the word " recent " is given in this book, and therefore the general, and a common sense, definition is applicable When any statute is silent with reference to the definition of a specific phrase, then we can take assistance from general applicability and general use So far as the general use and the popular view of the word " recent " is concerned, this occurrence, which took place on the 6th of May, 1930, was a recent one , and if there is any Honourable Member of this House who challenges the correctness of my interpretation, he ought to cite some authority and not merely make some unsupported assertion Consequently, I submit that the most faithful guide, which has been provided in this Manual, is section 44 Now since that section does not debar this motion, it, thus, deserves to be discussed Well, if there is any flaw in this Manual regulating the procedure, then the Honourable Member, who has moved this motion, is not to blame He cannot conceive

[Dr Nand Lal]

anything beyond the scope of this Manual (*An Honourable Member*: "No") If you, Sir, restrict the meaning of the word "recent" to occurrences which took place yesterday or the day before yesterday or a week back, then I would submit to the Honourable and learned Chair that you would then infuse some provision into the Manual which is not embodied in it and I would submit to you then, Sir, that you should not introduce anything new into this Manual of Procedure Therefore I submit, Sir,—and I will now thank you, Sir, for your kind permission to me, and will also thank this House, though they interrupted me, for the indulgence they gave to me (Cheers)—that this motion is in order I am not going into the merits—as the Honourable the Home Member has made some allusion to these things—I am not entitled to go into the merits I am simply discussing the constitutional point whether this motion is in order or not It deserves to be in order, it is of a definite character, since the Sis-ganj Gurdwara was the only subject of firing from machine guns by way of assertion of strength This as the Honourable the Mover of this motion says, was quite uncalled for, and has violated the sanctity of that temple Therefore, it is of public importance, and of a definite character There is no ambiguity about it It was also a recent occurrence, the incident having taken place on the 30th May 1930

The Honourable Mr. H G Haig On the 6th May

Dr Nand Lal. Thank you very much- there the Honourable the Home Member is quite right And it is urgent, because it may lead to very undesirable consequences I had allowed myself to give vent to one expectation, though I am sorry that it could be expected, which was this that if some *jathas* have started and those *jathas* go on to Delhi on the 17th, then some undesirable incidents may occur Some gentlemen associated themselves with the exhibition of laughter when I hinted at this However, the word "urgency" is applicable to the present occurrence, to the recent occurrence and to the occurrences which may crop up immediately after If my learned friends will look into the definition, they will certainly agree with me. Of course nobody can prevent them from not understanding the reality of the argument Nobody can prevent them from thinking aright or not thinking aright While thanking the Chair again, I may submit that, so far as the constitutional point is concerned, it is not violated by the fact that there was some sort of inquiry or investigation by a Magistrate, who might or might not have erred. Thereby this constitutional point is not minimised, because some communication was made to the highest authority. I may mention again that the force of this constitutional point is not infringed if there was some inquiry by a Magistrate. We have nothing to do with the details. We should examine and discuss the matter within the four corners of article 45 of the Manual I submit, Sir, that the present motion, which has been so ably read out by the learned Chair, is in order. I submit it is urgent.

Sardar Kartar Singh (East Punjab: Sikh): Sir, the matter is very serious, urgent and important and yet I am sorry to find my Honourable friend, the Home Member, speaking in a light-hearted manner and saying that the events of 6th May are not urgent, nor important. I submit, Sir, that my motion deals with the present serious and difficult situation I want to discuss the present serious and critical

situation arising out of the most unsatisfactory reply of the Government to meet the Sikh demand and the failure of the Government to redress the legitimate grievances of the Sikh regarding the firing into the Sis-ganj Gurdwara by the police and wounding its inmates and causing damage to the Gurdwara and violating its sanctity by entering therein without taking off their shoes on 6th May, 1930 As regards the importance of the events of 6th May, I submit, Sir, that everybody in this House is convinced that the events of that day were tragic and of utmost urgent importance Nobody can deny that fact My Honourable friend the Home Member may deny it, but even he, in his heart of hearts, must feel that the matter is a very urgent one and the event extremely deplorable Even His Excellency the Viceroy, in his speech, admitted that the incidents were extremely deplorable and regrettable I submit, Sir, that the occurrence of the 6th May caused deep resentment amongst the Sikhs and this resentment, Sir, might perhaps be unknown to my other friends But the Sikhs feel great resentment on that account For that reason they appointed an impartial Committee of Inquiry

Mr President The Honourable Member is now going into details of the motion

Sardar Kartar Singh I do not want to go into details I want to submit that a difficult situation had arisen and there was a recent Committee of Inquiry which recorded its findings Then we submitted a Resolution to His Excellency the Viceroy and the Government gave us a reply which does not respond to our demands In fact it is no reply at all

Mr President . When was this reply given ?

Sardar Kartar Singh : The reply was written on the 2nd July and it reached the S G P C on the 4th July this year. My Honourable friend cannot say that it is not recent, because the reply reached the S G P C only on 4th July Then they met on 7th July and passed a Resolution to send a *jatha* of 100 people to Delhi That *jatha* is now on its way to Delhi They will reach there tomorrow and then start an Akhand Path there After the recitation is over, they will hold a meeting on 20th July, and then take their decision as to the course of action they should take I submit, Sir, that a very serious situation is going to arise, and let the Government take note of it A very serious agitation will take place unless the Government are agreed to concede the Sikh demands The Government should not think that they can turn a deaf ear to the legitimate demands of the Sikhs Everybody knows that, from the point of view of religion, we feel the most, and I think my Hindu and Muslim friends also feel the same on this point. The Honourable the Home Member might think it a very ordinary thing going to a place of worship with shoes on, but we resent it the most The police entered the Gurdwara with shoes on

Mr President : That is not a point of constitution, that is, going with shoes on. It is going into details of the motion.

Sardar Kartar Singh : My submission is this, that the demands which we made are quite reasonable, and the Government have failed to meet those demands, and on account of the failure of the Government to meet those demands, which were very legitimate and which were supported by the findings of a very impartial Committee of Inquiry, and which every

[Sardar Kartar Singh.]

reasonable man would think proper, and on account of the failure of the Government to appreciate the point of view of the Sikhs, a very serious situation, which everybody wants to avoid, has arisen, and it is for the Government to ease the situation by taking suitable measures I have brought forward this motion in order to give a chance to the Government to make amends We have been bringing it to the notice of the Government for the last several days, but the Government did not pay any heed to it They thought the matter was not urgent, that the matter was not important and that it was not recent The matter is even now taking place Even now people are on their way to that place and they are going to hold a meeting There is going to be a big agitation If you think it is not urgent and it is not recent, it will be your duty to face the situation My duty is simply to bring it to your notice I think the matter is very serious and urgent and it should be discussed on the floor of this House so that the Government might say what their policy is as regards places of worship Would they avoid a recurrence of such an event in future ? Or would they not like to punish the wrong doers ? Or would they hold a committee of inquiry, consisting of impartial people who would command public confidence ? These are our demands, and if the Government are willing to meet those demands, the situation will be eased Otherwise the situation will become very grave, and will grow graver and graver every day

This, Sir, is my submission If still the Government think of the matter in a light-hearted manner, let them do so at their own risk Let them have their own way But it is for you, Sir, to decide, you being an Indian, you can well imagine the religious feeling of the people of India We feel most on the point of religion, and perhaps the Government do not realise the feelings of the people The situation is really very serious and I cannot find enough words to convey to the Government the seriousness of the situation, the urgency of the matter and its importance It is a matter of utmost public importance, and I think the Government should take note of the fact that the matter is very serious, urgent and important and they should not simply brush it aside by saying that the events took place on the 6th May and so it is not of recent occurrence The events no doubt did take place on 6th May It was in the hands of the Government to redress those grievances They, by their inaction to move in the matter, have brought about a situation which is much more serious than the events of the 6th May Therefore I submit, Sir, that the matter being urgent and important, the motion should be allowed

Mr President : Does the Honourable Member, Captain Hira Singh, want to say anything on the motion ?

(No reply was given by the Honourable Member)

I am really very conscious of the religious susceptibilities of the Sikhs on this matter I know that our Sikh friends are strictly a religiously inclined people, and like the Mussalmans, anything that touches their religion goes to their hearts I am also convinced, by the eloquent and learned advocacy of my Honourable friend, Dr Nand Lal, that it is a matter of importance and that it is a definite matter, but I am very sorry to find that even his eloquence could not convince me of the fact that it is a matter of " recent occurrence " I am also sorry to say that I am not convinced that this matter could not have been brought before the House earlier than it has been done

today This question, I think, is fully covered by the ruling which the Chair gave the other day on the motion of Maulvi Mohammad Shafee Daoodi Whatever may be my religious feelings on this question, as I am a creature of the constitution, I do not think I will be justified in allowing a debate on this motion for adjournment

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RESOLUTION *RE* OUTBREAK OF LAWLESSNESS AT DACCA

Mr President : The first Resolution on the agenda was ballotted in the name of Mr B Das, but I think he has authorized Mr Neogy to move that Resolution So I call upon him to move it

1 P M

Mr K C Neogy (Dacca Division Non-Muhammadan Rural) Sir, I beg to move the following Resolution

"This Assembly recommends to the Governor General in Council to publish all correspondence that has passed between the Government of India and the Government of Bengal in connection with the recent outbreak of lawlessness in the City of Dacca and its neighbourhood"

I must, first of all, thank my Honourable friend, Mr Das for permitting me to move this Resolution, which affects me and my constituency very vitally I think I should also thank the ballot box, inanimate as it is, for having displayed a lively appreciation of the importance of this question and for having placed it at the top of the ballot list on two successive days Sir, since I came to Simla this time, if there is one slogan with which the roof of this House, if not the sky of Simla, has been reverberating, it is this "Govern or abdicate" I quite agree that the Government must govern and, indeed, Sir, if I am here to-day and if all of us are here to-day, it is for the purpose of helping the King's Government to be carried on according to the constitution (Hear, hear) But I must ask in all humility whether it is not a fact that the King's Government abdicated in favour of the hooligans for several days and several nights in the unhappy city of my birth Sir, before proceeding further, I should like to produce before this House the testimony of an octogenarian citizen of Dacca He is a leading gentleman of the city and his name is familiar to every Bengalee—I mean Babu Ananda Chandra Roy, a leader of the old generation From his sick-bed this gentleman addressed the following letter to one of the Members of the Executive Council of the Government of Bengal He says

"For an old man who saw the Sepoy Mutiny of 1857 it is unbelievable that under British rule there could be such horrors as looting and burning of houses and killing of men in broad day light in the town of Dacca, some times before the very eyes of Government officials and the Police, who did not care to stop them I pray to you to place before His Excellency the case of Dacca, which was in the hands of the rowdies for several days and nights just as we read in history about the sack of Delhi by Nadirshah Kindly move to appoint a Committee to make a sifting inquiry into the matter, as the popular belief is that Government has apparently allowed these things to be done for the sake of policy and one is helpless and cannot blame the people if they are driven to these conclusions by the force of circumstances"

What follows is pathetic :

"Being a moderate of the old school, I have still faith in British justice, so please let me die with the same faith Let the Government take prompt action in this Dacca matter at an early date, and for God's sake do not drive these people who are yet loyal into the folds of the extremist agitators"

[Mr K C Neogy]

Then he continues

"Only the other day I sent a letter to His Excellency the Viceroy along with Maharaja Tagore giving my whole hearted support for law and order, but I did not for a moment think at that time that I should be rudely shaken by the local authorities' behaviour in the present riot here at Dacca"

Sir, shortly after the news of the disturbances at Dacca percolated through the muffled wires, through the censored telegrams, to Calcutta, some leading citizens of Calcutta issued a long statement in which they summed up the situation They pointed out that for one week, if not for more, all the courts of law were closed, and responsible judicial officers could not stir out of their houses Most of the post offices in the city were closed and those that were open could only conduct their work with the help of a very small proportion of the staff There was no regular delivery of the mails for all this time

Mr H A Sams (Director-General of Posts and Telegraphs) The delivery of mails was discontinued for three days only

Mr K C Neogy I am very much obliged to my Honourable friend for pointing out this to me, but even that ought to suffice for the purpose of establishing the seriousness of the situation If for three days the mails could not be delivered, is not that fact serious enough ? But I maintain that, so far as the smaller post offices are concerned, they did not transact any business for very many days after that My Honourable friend must be talking of the Head Post Office of Dacca, which delivered letters only through the window to people who could reach the post office by braving the murderers on the way But what were the authorities doing ? I may here pause and say that I am going to disappoint my Honourable friend the Home Member if he expected that I was going to raise a communal issue on this occasion

The Honourable Mr H G Haig (Home Member) I am very glad indeed to hear that assurance

Mr K C. Neogy Sir, about 60 Indian lives are believed to have been lost at Dacca I am not going to say how many of them were Hindus and how many Muhammadans That does not matter at all Property worth half a crore has either been looted, burnt down, or otherwise destroyed And yet what were the authorities doing ? The leaders in Calcutta, to whom I have already referred, point out in their manifesto the amazing failure of the executive authorities to take adequate measures to cope with the situation

"This seems", say they, "to present a strange contrast to the promptitude, vigour and display of force with which the movement of civil disobedience is being met by the authorities all over the country"

Sir, I will now quote from another distinguished authority I do not know whether my Honourable friend cares to read the Bengal newspapers. But I do hope that he does read the *Bengalee*, which is edited by my esteemed friend, Mr. Sarma. Now, what did Mr Sarma himself in his editorial article say about the situation ? I am quoting from my memory, but I hope my Honourable friend will correct me if I am wrong. He said that the situation at Dacca had discredited the Government more than all the salt law breakers taken together. This is the testimony of a gentleman who considers the prestige of Government to be no less dear to him than his own.

Sir, may I now, in order to give the House an idea of the seriousness of the situation, give a few extracts from signed statements which I have got with me and which were made by witnesses who appeared before the official Committee of Inquiry These statements cannot be discredited by my Honourable friend, the Home Member, as not having stood the test of cross-examination I have got with me many signed statements of witnesses who have come forward and given evidence before the official Committee of Inquiry which is sitting at the present moment at Dacca I am going to cull just a few samples of the evidence which they gave before the Committee of Inquiry in connection with the Dacca inquiry I have taken these statements at random I will begin with one person, who lost about Rs 10,000 worth of goods by reason of his shop being looted He says

" My shop is visible from the Nawabganj Police Station, and is very close to the Pilkhana Battalion, the headquarters of the Eastern Bengal Frontier Rifles At the time of the incident, I ran to the Nawabganj Police Station and caught hold of the feet of the Havildar and entreated him to save my shop The Havildar said ' Go to the Congress and Gokul Babu and take Swaraj ' (Cries of ' Shame, Shame ') My shop was looted for eight hours, and in spite of entreaties, the Police did not come forward to save the shop We know the names of many of these goondas, and know many by face, and we lodged information at the Thana About a week after the Police came, but has not arrested anybody up to now "

(That is, during one month from incident)

Sir, I will trouble the House with a few more extracts, and for this reason, that thanks to the policy which the Honourable Member has initiated, the Press has been so thoroughly gagged, so thoroughly demoralised that the most important points are not being published in the newspapers today, although they make a pretence of reporting the proceedings of this Committee

The next witness is another shopkeeper who lost goods worth Rs 1,500

" Four or five policemen were standing near the shop while it was being looted I can identify the goondas Police came 7 or 8 days after information No arrests or house searches made "

---although one month has elapsed

Then the owner of a medical stores says :

" Noticed from a distance 5 or 6 police constables sitting in a verandah on the public road opposite my shop The shop was being looted Police did not permit me to enter my shop, nor did they prevent goondas from looting and destroying property Lodged information No search, no arrest "

Then I come to another shopkeeper who lost goods worth Rs 4,000 :

" The shop was in flames Seeing 5 or 7 policemen standing there, I attempted to bring out whatever articles remained in my shop, but the police prevented me by saying, " Go to Gokul Babu and take Swaraj "

The next man is another shopkeeper who says

" Two policemen passed by while shop was being looted I asked them to save our property, but they went away The police station is two minutes' walk from my shop "

Another man says the following

" The police station is only 5 or 7 minutes' walk from my shop When my shop was attacked, I sent my brother through the back door for giving information to the police The Havildar said to my brother, " Why have you come to inform the police ? Go to the Congressmen " After much entreaties by my brother, the Havildar phoned to Lalbagh thana (possibly to a superior authority) and then told my brother, ' We have got no orders to go You won't get any police ' "

Here also there has been no investigation, no searches, no arrests, though the names of goondas were given in the first information

Mr President Order order I have no intention of interrupting the Honourable Member, but I believe the Honourable Member knows that the discussion of a Resolution shall be strictly limited to the subject of the Resolution I should like the Honourable Member to let me know how this discussion is connected with his Resolution which asks Government to publish all correspondence that passed between the Government of India and the Government of Bengal

Mr. K C Neogy Sir, I submit with very great respect that this procedure is a well-known Parliamentary method of raising a general debate on any point at issue, and it is partly for that reason that I framed it in this manner Apart from that, I wanted to know what action the Government of India had taken in the matter, having regard to the importance of the incidents that I have just now alluded to , and it is for the purpose of pointing out to this House the very grave importance of the subject, that I propose to go into some of the details, so that my Honourable friend may not get up and say that it is after all a matter of provincial importance and they cannot be expected to interfere That is my submission

Sir, may I proceed ? The next gentleman says :

" I was walking along the road and was suddenly set upon by some *goondas* I found 10 or 12 Gurkha or Garhwali military policemen passing I and four others sought their protection which was refused I said, " They will kill us and you will not stand by and protect us ? " One of the Gurkha policemen replied, " We have got no orders to do anything (*Hamlok ko kuch karneko hukm nehi hai*)

A goonda struck me with a *lathi* I clasped a Gurkha policeman and entreated him to save my life The other people accompanying me were also beaten with *lathis* and rods To my utter dismay I found that not a single Gurkha raised his little finger to protect us, but were marching all the while We passed the police club shouting for help, but nobody came to our rescue "

He had a providential escape through the intervention of a priest of a temple near by, who dragged him into the temple somehow while he was passing by

Another man who lost goods worth about Rs 10,000, says

" When all my belongings in the shop were being looted, a party of four armed Garhwali policemen came up in a bus and alighted in front of our place They simply said " *Hat jao* " to the looters, and in spite of my request to them to arrest them, they did not arrest them Even in their very presence the goondas were removing the goods of my shop *Those armed policemen told us to leave the place then, else we should also lose our lives* Having said this they took us, *viz* , my daughter-in-law, my brother's son, and myself up into the motor bus, which was stopped at the bend of the Chowk The *Magistrate*, the *City Superintendent, and Sergeants* were there My brother's son, Sukhlal Pal, B Sc , got down there, and told the Sahibs, ' They are carrying us to hospital, but there is still a lot of goods in our shop, which is being looted still , so pray, post some police for protection ' In reply *the Magistrate said that he could not spare any police* And so we were carried to the hospital, where I am still an indoor patient "

Here is the Managing Director of a cotton mill I am not going to tire the House with any lengthy extracts from his statement He says that, while looting was going on, he encountered a Sahib in police dress, and he stated at the time of looting :

" *Ap khooshi hai, jaldi lao* "

He saw not only male *goondas,* but also females and children taking away articles from that shop. I may mention in passing that all the

crimes, all the murders, all the looting and all the arson that took place were committed in broad daylight The goondas preferred the daytime to night for the purpose of committing their depredations, because they had nothing to fear from anybody

Then, Sir, I will skip over many other statements Now I will come to the statement made by a Government official, a lady, Head Mistress in charge of the Vernacular Training School, a Government institution Referring to the looting which was being carried on in the neighbourhood, she says

"There were several policemen present on the spot and they were loitering in the street without caring for what was going on. I also saw that an iron safe was broken with an axe and as soon as the safe was broken, some policemen who were armed with guns came forward and fired blank shots as a result of which the goondas moved back The contents of the iron safe were currency notes, etc These were then hurriedly taken by the policemen, who pocketted them inside their coats"

This is the testimony of a lady who is also a Government servant

I will not trouble the House with any further extracts from her statement, although it is very interesting Then I will come to the testimony of a European, Mr Hodgen, the Agent of the India General Navigation and Railway Company, the representative of the steamer services at Dacca I may mention that for several days the steamers carrying passengers did not stop at Dacca, such was the seriousness of the situation He says

"I am the General Agent of the Badamtali steamer ghat I am a European As far as I remember, steamers from Barisal arrived at about 11 P M on the 24th May, 1930 All passengers except a very few were booked to Narayanganj that very night under my instructions"

—because he did not consider it safe for the passengers to alight

"one gentleman with his family stopped in my office that night I phoned to the police for sending armed guards, but got no response that night I know of one occurrence just outside the station in the afternoon One man was fatally wounded and two others were injured These wounded men were sent to the hospital by a boat from the steamer station"

And here, Sir, let me pause for a moment and pay my tribute of admiration and thankfulness to this European gentleman who by all accounts rendered great assistance to the people in distress (*Dr Nand Lal* "Hear, hear") Then he says .

"On Sunday morning, the 25th, I saw a crowd of Muhammadans collected before the rice shop to the east side of the station The shop is owned by a Hindu The police came and went away from the spot The shop was looted by Muhammadans. The Hindu owner left the rice shop on Monday morning by boat for Tarpasa and told me verbally before his departure that Rs 1,500 in cash and his stock of rice had been taken away by the looters No booking of passengers was made from the office as the clerks were afraid to attend office at night Barisal steamer was directed to go *via* Narayanganj. Some motor launch services and the Dhaleswari (Manikganj) service were stopped for some days Goods were rebooked to the consignors I have no gun. The Jamadars and the police of the station are unarmed"

Now, Sir, I come to another Government officer, another lady, the Principal of the Government College for Girls at Dacca She says

"Since the 24th to 28th May, the period of the riot, I was here stopping in the school premises, I did not know what sleep was I do not remember how many times I phoned to the police to send me some pickets to protect this locality which is very lonely and isolated, but every time I was told either, 'Let me note it down' or 'None available'"

[Mr K. C Neogy.]

These are the two replies which she got, and remember this was the case of a lady official living with some other ladies who were in her charge in that isolated place

"In the evening I again phoned to the police officer, I told him that being the Principal of a Government institution for women, I could naturally claim protection, but nothing was done for me Things reached their climax on the 26th on which day about 1 P M a huge mob of ruffians rushed towards us from the Buckland bund. (This is a promenade running right along the river) They all carried with them deadly weapons—daggers, big *lathis* and a few guns In the crowd there were some dressed in khaki European uniform The mob returned from the direction of Sadar ghat. All the time they were hurling their daggers and *lathis* and shouting I noticed a man among them over whose head an umbrella was held by another, and I was told by one of my servants that he was—"

(I do not propose to give the name here, but he was a prominent man at Dacca)

With great difficulty she managed to get a car from a friend of hers for going to some friends Then she says

"As I was getting into the car I found a number of policemen, police constables, standing near the car, when asked as to why the hooligans were not restrained from the atrocities they were committing in the town, they said '*Mussalman ko rukhneka hukum nehi hai, hamlok ka karenge*' (That is, they are not permitted to oppose the Mussalmans, what could they do?)"

(*Cries of* "Shame, shame") This is the testimony of a Government servant, a lady holding a very responsible position, and this has stood the test of cross-examination by the official Committee of Inquiry

Now, I come to a police officer—a retired Inspector of Police he lives with his elder brother who is a retired additional Superintendent of Police The whole family seems to have served the Police Department very loyally, because there is also reference to a nephew of his who was personally concerned in these riots and was hurt He says

"I saw hooligans and females and children carrying looted articles through lanes running along the north as well as the south of my house I also saw two or three constables in that locality, but apparently they were doing nothing"

This is the statement of a retired Inspector of Police and he was making the statement, I dare say, with a sufficient sense of responsibility. He goes on

"In the afternoon my nephew, a Sub Inspector of Police, returned from the police office and stated that he was attacked although he was going with two armed orderlies in plain dress and with the head clerk of the police office When they were attacked, they gave out that they were police officers and that they had revolvers with them. One of the hooligans gave a severe blow on the neck of Mohendra and snatched away the revolver from his waist The Head Clerk somehow or other got back the revolver but was himself wounded in the back"

Then he gives his own opinion as to how far the police arrangements were sufficient and he is perfectly entitled to give his opinion, a retired Police Inspector as he is He says

"I personally think that the police arrangement was not sufficient and that if the goondas, of whom there is a list in the police office, had been arrested at the inception and proper police precautions taken, the disturbances would not have continued so long"

His nephew also has been examined before this official Committee of Inquiry. He says—I do not go over the incidents once again :

"We informed the Superintendent of Police about the occurrence and showed him the wounds received by us I do not know whether an investigation has been started

over this and whether any arrest has been made in this connection I know by face the man who snatched away the revolver from me ''

When he says that he does not know whether an investigation has been started, it clearly shows that he was not even given the opportunity to identify the assailant when he said he could do so, and this is a police officer still in service ! This is the way the police authorities at Dacca have been discharging their responsibility

I am afraid I have exhausted all my time These sickening details are too numerous to be dealt with in five or six hours even if I were to get that much indulgence from you on this occasion

While this was the situation in Dacca itself, what was happening in the neighbourhood ? The poison spread to the interior A village, a very flourishing village not more than seven miles from the district headquarters, I mean Rohitpur, was the scene of unheard of *goondaism* About 118 houses belonging to wealthy business men were looted completely, even the broomsticks in the houses were not left behind by the looters , and what did the authorities do ? The news of this occurrence did not reach the authorities within three days Talk of law and order ! Is this the way to maintain law and order in the country ? After three days, when the information somehow reached the police authorities, a constable was sent from the nearest thana to make inquiries Then the people of Dacca got to know about it and they sent some responsible persons to inspect the locality I have got a detailed report of what they saw —I am not going to place it on record before the House at the present moment , it may be too tiresome The most astounding feature of this incident at Rohitpur is that the rioters were incited by chaukidars in uniform , they incited them, in the name of Government, to loot the houses of Hindus and several lakhs worth of property were removed and destroyed at leisure for two days together And when at last the superior administrative authorities reached that place the Deputy Inspector General of Police, Mr Craig, accompanied by the Nawab of Dacca and his brother Khajeh Nasirullah and the Superintendent of Police, they called together the famished and oppressed people and convened a meeting and delivered a speech, and this was the purport of the speech The Deputy Inspector General of Police said '' This is the result of your hartal Don't do it again Ask the Congress people to protect you '' Then he asked the people if they wanted Gandhi Raj or British Raj Some of the people left the meeting in disgust But others being afraid of more oppression, specially finding a particular person there in whose name these oppressions were being committed, said they wanted British Raj On this Mr Craig asked them to cry out '' British-Raj-ki-Jai '' and '' Nawab-Bahadur-ki-Jai '' The people finding that it was really the victory of Nawab Bahadur and British Raj cried out in agony '' British-Raj-ki-Jai '' and '' Nawab Bahadur-ki-Jai '' The company left the place, after arresting some Muhammadans including three Mussalman chowkidars and triumphantly entered the city of Dacca, shouting from the launch in the river Buriganga, '' British Raj-ki-Jai '' and '' Nawab-Bahadur-ki-Jai '' Some Hindus of Dacca living by the side of the river, hearing the shouts were first terrified, but subsequently on inquiry they learnt that Nawab Bahadur & Co. had returned from Rohitpur and that there was a serious occurrence there

Sir, I do not think that I will be justified in taking up any more time of this House I hope I have placed sufficient materials before Honourable

[Mr K C Neogy]

Members to enable them to judge of the seriousness of the situation. I daresay the Government of India owe to this House a full and frank statement of what they have been doing while this state of things was taking place in Dacca and its neighbourhood It won't do for my Honourable friend, the Home Member to say that the Government of India are not primarily responsible If he accedes to my Resolution by publishing the correspondence that passed between this Government and the Bengal Government, we should be in a position to judge as to how far the Government of India were discharging their obligations, which have been imposed upon them by the Government of India Act for the direction, supervision and control over the Provincial Governments, particularly in respect of the Reserved subjects, of which law and order happens to be one

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

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The Assembly re-assembled after Lunch at a Quarter to Three of the Clock, Mr President in the Chair

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ELECTION OF MEMBERS TO THE GOVERNING BODY OF THE INDIAN RESEARCH FUND ASSOCIATION

Mr President : I have to inform the House that Dr Ziauddin Ahmad and Lieut-Colonel H A J Gidney have been elected to sit on the Governing Body of the Indian Research Fund Association

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RESOLUTION *RE* OUTBREAK OF LAWLESSNESS AT DACCA—*contd*

Mr A H Ghuznavi (Dacca Division Muhammadan Rural) Sir, I had not the least inclination to make a speech on this Resolution of my Honourable friend Mr Neogy if only he had restricted himself to the terms of the Resolution In the Resolution he asks the Governor General in Council to publish all correspondence that has passed between the Government of India and the Government of Bengal in connection with the recent outbreak of lawlessness in the City of Dacca and its neighbourhood In moving the Resolution, I am very sorry that he has brought in a certain amount of communal feeling (*An Honourable Member* " Has he ? ") (*Another Honourable Member* " No, not at all ") At any rate, that is what I have understood from his speech (*Mr Gaya Prasad Singh* " Your understanding is very defective.") From his speech, as far as I am able to follow, I find that his grievance is that the police in Dacca deliberately did not give my friend's community the protection that they needed Furthermore, so far as I have been able to understand his speech, he went on to say that the lootings continued and that in broad daylight, and that when the police protection was asked, the men concerned were referred to the Congress He said, that the lootings continued from day to day and that the police did not give them any protection at all There was a certain amount of insinuation that the police were conniving at the looting and murder of my Honourable friend's community by the Muslims (*An Honourable Member* " No ") That charge is absolutely unfounded It may be that the police did not give them the protection that was needed, but who is responsible for that ? How was the

police going to give my friend's community the protection that they needed when the whole city of Dacca was up in arms by continuing the civil disobedience movement ? (*An Honourable Member* " The cat is out of the bag ") (*Mr. Amar Nath Dutt* " Therefore ? ") Will the Honourable Member let me proceed ? With the small number of police available in Dacca, it was impossible for them to give the protection Have the police been able to give the protection needed by my community ? They failed to do that in the case of my community also, but not, as my Honourable friend would say, deliberately , but they were unable, they were helpless, and the situation was out of hand

Sir, when I got notice of this Resolution, I telegraphed to my constituency and to the leading men of Dacca to send me a full report of the incidents that had taken place during those days Here I shall read from the testimony of an esteemed Hindu friend of mine He writes to me to say

" Whatever reports have appeared in the press, the impression is abroad that in Dacca the Muslims have done all the mischief and the Hindus have done nothing "

Mind you, this is a Hindu gentleman (*Mr Gaya Prasad Singh* " What is his name ? ") I will tell you presently He goes on to say

" This is not correct Whatever may have been the unfortunate cause of the outbreak, the Hindus and the Muslims have both suffered , and according to the reports of very reliable Hindus, there has been more loss of life on the Muslim side than on the Hindu side "

If the Hindus have suffered more loss in property, according to his information there were 13 deaths among Muslims and 11 deaths among the Hindus

Sir, there is another Report which has been sent to me with the concurrence of the Nawab of Dacca, Khan Bahadur Alauddin, Mr Srish Chandra Chatterjee, Mr P K Basu, Khan Bahadur Zahirul-Huq, Mr Kahmuddin Ahmad, Mr Niamuddin Ahmad, and Khaja Shahabuddin Let us see what that Report says With your permission I will read only a few lines from the various pages of the Report

" Of late it has been apparently a disease with those who fancy the re-establishment of a Hindu India that the loud lie becomes the truth and the inarticulate truth becomes the lie After reading the accounts published in the *Amrita Bazar Patrika*, *East Bengal Times*, and some other correspondence and essays published in those journals we could not help feeling that verily we are living in an age of loud lies Unfortunately or fortunately, the Muslim Press has not yet learnt how to be loud over the lie Thanks to the Hindu brains, wealth and influence

The loud Hindu Press has marvellously succeeded in surcharging the atmosphere with the impression that the city of Hindu brains, wealth and influence of which the Hindu community are so proud, was in the grip of lawlessness perpetrated by the Muslim hooligans at the connivance of the police and the leaders of the Muslim community which is composed mostly of mistris and garriwalas "

Then, it goes on to say

" The whole object of the Hindu Press was to convey to the world at large that the present riots of Dacca have been exclusively an one-sided affair and the innocent Hindus did not contribute, Bhadralogs as they are, anything to the acts of arson, pillage, stabbing and murder of which harrowing tales have been told The Hindus had not the fairness to notice a single case of similar and in some cases of more heinous, mean and cowardly atrocities perpetrated by the Hindu Bhadralogs "

Then it goes on to say :

" It is not our interest to minimise or maximise the share of contributions to the output of lawlessness that either party must have to be credited with We are

[Mr A H Ghuznavi]

the last persons to justify the Muslim hooligans, or to minimise the losses the Hindus have suffered Our account will be proved by the case records and the hospital records It will be conclusively proved that the harvest of Dacca hooligans has been due to the hooligans of both the communities, but not due to the Muslim hooligans alone as falsely represented in the Press ''

Then, Sir, it further says

" Now, we are to trace the origin of the present disturbances before we give the details of the nefarious acts of the hooligans The origin should be traced to the year 1926 ''

Sir, nobody regrets more than I do this estrangement of feelings between the two communities Up to 1926, the feelings were one of the utmost friendliness We who come from the districts of Dacca and Mymensingh have been very friendly with the Hindus there What has happened since then God alone knows The Report of the Committee now sitting will shortly tell us what the origin of the trouble is

This Report says

" The attack on Nirandir Mosque was the act of provocation that the Hindu volunteers had been found guilty of in having stirred up 1926 riots Since then the concord that had existed before 1926 between the two communities has been shaken and has since been declining very rapidly and this time it appears to have been altogether lost The disturbances that followed the independence day procession were also traced to the brickbats pelted at the Nirandir Mosque and other acts of insult to the Koran found thereon, that had been perpetrated by the Hindu volunteers During those disturbances the Hindus for the first time showed the example by having set fire to one cycle shop and three tea shops belonging to Muslims at Armanitola No person was committed by the Muslims then or before The origin of the present troubles can be traced to differences caused between the Shankharies and Muslim Gharriwalas over a Shankhari girl run over by a Muslim Gharriwala The grievance of the Shankharies over the girl incident led to the desecration of the Kachiry mosque ''

The Report then goes on to say

" On the 22nd May, on the road between Bangsal and Nawabpur, a Hindu boy while playing with tops accidentally hurt a Muslim boy of the locality The father of the Muslim boy chastised the Hindu boy, who reported the matter to his father He (father of the Hindu boy) with some of his men proceeded to the place of occurrence and seriously rebuked the Muslim boy's father who also then became serious and the altercation led to a communal skirmish The Hindus of Nawabpur gathered on the one hand and the Muslims of Bangsal on the other Hindu Bhadralogs of the locality at once got up on the roof of a neighbouring two storeyed building with brickbats, coal pieces and chela (chopped wooden fuel) The Bangsal riff raffs who joined, proceeded towards Nawabpur and the brickbats were pelted at them This infuriated the mob and the skirmish had ended in some mischief perpetrated on the neighbouring Hindu houses, before the Police and the Nawab arrived there to make up the situation It is reported by the Hindu Mahasabha inquiry committee that the house of one Ram Kamal Chakravarty, pleader, was looted and burnt and his cow was slaughtered in his house This, on inquiry, from Ram Kamal Babu himself, we find to be concocted exaggeration ''

3 P M

Then it says

" The 2nd May passed without any incident except that at night a Muslim who was the *gomastha* of one Mian's tobacco shop, a shop at Nawabpur, was stabbed at Puran Paltan and on the 24th morning he was found dead Naturally it was suspected to have been caused by some Hindu and they proposed to make a demonstration of the dead body and wanted the approval of the Nawab in the presence of Babu Srish Chandra Chatterjee, pleader, but the Nawab disapproved of the idea and asked them to take the corpse out of the morgue and bury it without making any kind of demonstration Upon this, Srish Babu asked the Nawab to take the corpse home so that the relations of the victim might have a last sight of him. The Nawab agreed, and they took the corpse to Fakirpool, the residence of the victim, with some police guards who left the place thinking that the corpse would be buried there But the relations

wanted to have the *janaza* (funeral prayer) at the Chawk Mosque with the object of getting more people to pray for the deceased behind the Imam of the Mosque which is regarded by the Muslims to be more meritorious in the system of religion which they profess So they proceeded to Chawk through Nawabpur, Islampur and Baboo Bazar, not in a programmed or deliberately pre arranged procession, but in an ordinary funeral which does not require any license or police guards to protect This party of not more than 20 or 30 men was not authorised to the knowledge of any Muslim leader or any of the authorities of the city It is therefore misrepresented by the Mahasabha reporters That was a burial party and as such it did not take any license nor was there any police order to stop it This burial party deliberately misrepresented as a pre arranged procession reached Baboo Bazar in front of the Mitford Hospital, when a brickbat was pelted at the corpse, from the rooms of one of the two storeyed buildings there, belonging to and inhabited by the Hindus Just at that time the news of two more Muslims having been stabbed, one at Mokbara and another near Victoria Park, spread throughout the town When the dead body of the unfortunate victim reached the place where the skirmish over the top had taken place, the Hindu community of Nawabpur who had already been in temper since the top skirmish began to attack the burial party and pelt at the dead body whereupon a disastrous fight ensued between the aggressors of Nawabpur and the burial party which was subsequently strengthened by a detachment from Bangsal on the rumour that the Hindus had seized the corpse and set fire to it By this time the information that the two Muslim tea shops and some rice godowns of Nava Bazar had been set fire to by the Bashabari Hindus further exasperated them The Nawabpur volleys of brickbats, pelted both vertically from the roofs and horizontally against the Muslim mob, so deliberately provoked, were replied to by arson committed on five or six Hindu houses on the spot The dead body over which the Nawabpur trouble arose was removed by the police and the conflagration began practically all over the city almost simultaneously The field was prepared by the Hindu Mahasabha leaders Some time before the present disturbances promoters of the civil disobedience movement delivered speeches threatening the Muslims for their indifference towards the movement'

Mr President The Honourable Member will realize that he has already exceeded his time, and I hope he will try to finish soon

Mr A H. Ghuznavi : Thank you Sir I will finish very soon Then, Sir, it goes on giving a description of the various incidents that had taken place involving looting and arson and it is pointed out that everywhere the Muslims have been attacked first Although in property the Muslims have not lost much, because they are poor and have not got much property to lose, yet in lives, as I have shown, they have lost more than the Hindus I will not go into the harrowing details, but all that I can say is that, so far as I have been able to find out, the police were absolutely helpless, having regard to the situation created, as the Report says, by the Hindu Mahasabha and also by the civil disobedience movement It was not that the police deliberately did not render the assistance that they should have done I have been able, I hope, to demonstrate this fact clearly that not only the Hindus, but the Mussalmans also have suffered, and if my friend's view was to be taken as correct, then the Mussalmans would not have suffered either in loss of life or loss of property With these words, Sir, I oppose the Resolution

Mr S. C. Sen (Calcutta Non-Muhammadan Urban) : Sir, I do not think that Mr Neogy had either raised any question of communal feeling or even hinted at or made any insinuation against any community whatever. His motion is for the production of certain papers, *viz*, the correspondence between the Government of Bengal and the Government of India so that the people might know what steps the Government of India took in connection with this matter There was no question of communal feeling in the matter and I deplore that Mr Ghuznavi, in his speech, has referred to and brought out communal feeling. Hooligans are hooligans all over the world, whether Muhammadans, Hindus or even Government

[Mr. S C Sen.]

servants (Hear, hear) wearing the King's uniform (*An Honourable Member* "Quite so"), and we all deplore that in this matter, although the hooligans had their innings for over a week, nothing was done by the Government or by their responsible officers, whose duty it is to keep law and order That is the point, Sir I do not blame the Muhammadans, nor do I blame the Hindus, but I blame the Government officials there for utter failure to take any proper steps (Hear, hear) They boast, Sir, that they are here to keep peace and order They boast that India had not had law and order for a considerable time and it is British rule which has enabled the people to live in peace But the incidents at Dacca show clearly what we can expect from these men when their turn comes to molest other people

Mr A. H Ghuznavi But my community had already been molested first

Mr S C Sen I am coming to that Government are quite able to take care of themselves and they do not want your help But they do sometimes want help, and on the present occasion it has been said that the Government were helpless, there were no police, no adequate means to check the lawlessness at Dacca, and it is admitted that lawlessness continued for several days It would therefore be interesting to know what steps the Government took to stop the disturbances Dacca is not a small city, it is second in importance in Bengal The Governor goes there every year and stays there for a month It is the headquarters of the Divisional Commissioner, and also of the Eastern Frontier Rifles—a regiment on whom rests at present the task of keeping peace and order throughout Bengal Their services are requisitioned wherever there are disturbances in Bengal, and with all these things, it is idle for Government to pretend that they had not a sufficient police force at their disposal during the time of the disturbances or that they had no means to get together any adequate force at that time

Dr A Suhrawardy (Burdwan and Presidency Divisions Muhammadan Rural) They were busy in Chittagong

Mr S C Sen: I will read for my friend's guidance a Press communiqué published by the Government in the last portion of which it says

"The police force now in Dacca are reported to be adequate and every attempt is being made by the local officers to restore confidence"

The Honourable Mr H G Haig: Would the Honourable Member kindly give the date of that communiqué?

Mr. S C Sen: It is dated May the 29th The visit of the Inspector General of Police was made there on the 26th with 100 armed police and 100 armed men of the Eastern Frontier Rifles Now, Sir, it is interesting to note what steps the Government usually take and took on similar occasions before. This is not the first occasion when there was communal trouble There have been many before Sir, just a month before this—the Dacca riots took place, on the 23rd May—the carters' riot in Calcutta took place, some time about the 15th or 16th of April As soon as that rioting took place, His Excellency, Sir Stanley Jackson, came down from Darjeeling with his Executive Council to look after the matter and he succeeded in putting down the rioting What, by contrast, was done in this case, Sir?

Mr A H Ghuznavi . The police force is a body of great strength in Calcutta

Mr S C Sen : I was referring to the steps which Government did take before In 1926, when there was great communal trouble in Calcutta, Lord Lytton, the then Governor of Bengal, did not go to Calcutta but sent the Member in charge of the Law and Order Department to look after it, but all the same he was abused, if I may use the expression, by all the local newspapers in Calcutta, including I believe, our professing friend, the *Statesman and Friend of India* (Laughter) I may mention that from a letter which I saw and which was received by a friend of mine from one of the Councillors of the Secretary of State's Council, I came to know that His Majesty the King-Emperor, when this gentleman was given an audience by His Majesty, himself inquired why Lord Lytton was not then in Calcutta when all these troubles took place This shows that when a trouble of such magnitude takes place, it is the duty of the Governor and of the Government and other Government officials to go to the place to look after the matter A few days before this occurrence, the Inspector General of Police was sent to Chittagong and the Member in charge of the Law and Order Department in the Government of Bengal was also sent there Although at this time he was at Chittagong from where he could have come to Dacca within five hours, he did not do so, nor was any step taken to pacify the people or quell the disturbance The rioters went on merrily without let or hindrance and, as my friend has said, the Hindus suffered the most I do not know whether his case is that they looted themselves Rohitpur village, which is about six miles from Dacca, was looted In this case, the official communiqué says that hundreds of houses belonging to Hindus were sacked and burnt, and everything that they contained was looted, and that women and children took part in the matter

Mr A H Ghuznavi : Similarly, the Mussalmans were also wiped off in certain parts of Dacca

Mr. K C Neogy : Did the Honourable Member go down to Dacca to satisfy himself ?

Mr S C Sen : My point is that in this case the Government of Bengal did not take adequate steps to protect the lives and properties of the people Not only did they not do that, but they also arrested men of respectability who were then at Dacca so as to prevent them from defending themselves Some of the guns were taken away illegally Although their case is that the police force was insufficient and although the Government communiqué says that, on the arrival of the Inspector General of Police, which was on the 25th of May the authorities considered that the police force was adequate, they did not do anything The courts were closed and did not open for eight days The Telegraph and Post Offices did not function for that time Even the steamer companies, belonging to Europeans, could not ply, and we are entitled to ask why this state of things was allowed to be continued at Dacca for such a length of time I do not blame the Mussalmans at all nor do I blame the Hindus, but I do blame the persons whose professed duty it is to protect the lives and property of the people of this country, seeing that the people of this country are disarmed and therefore they must rely on the Government to protect their lives and property. In these circumstances, I support the Resolution which has been moved by my friend, Mr Neogy It is necessary in the

[Mr. S C. Sen]

interests of justice and the good name of the Government of India to publish the correspondence to show what steps they took in this matter The Government of Bengal are on their trial, they have failed to do their duty, and it is for the Government of India to show that they have done their duty in this matter With these words, Sir, I support the Resolution

Dr Nand Lal (West Punjab Non-Muhammadan) Sir, the Government of India may kindly keep a special note of the fact that all of us here are in favour of the maintenance of law and order and all of us are averse to any act which amounts to the infringement of law At the same time, none of us will be willing to tolerate any kind of injustice which is done to any of the Indians in this country I am not in favour of offering any general comment or random remarks I do concede that some of the Government officials do their duty very honestly and conscientiously Our complaint is against those who do not realise the weight of their responsibility Sir, you will agree with me when I submit on the floor of this House that an entry into the Government service is identical to high privileges When Government servants are entitled to these high privileges, they must bear in mind that they should have greater toleration, greater patience and a greater sense of duty I have already said that some of them perform their duty honestly and properly Our complaint here is against those Government servants who have failed to do what they ought to have done To my mind, it is incumbent on every police officer to maintain peace and order, to extend sympathy to those who are wronged, to help those who are really feeling aggrieved and those who have fallen victims to the atrocious conduct of any person, be he a Muhammadan or a Hindu or a member of any other nationality I am not one of those who will allow any communal question or a communal idea to have its place in this Central Legislature The Central Legislature ought to be above these things The Central Legislature has to deal with those points which create harmony, affection and love amongst the various sections of the people of this country But if, as I have already submitted a wrong is done to any person in any corner of this country or in any province, in any district, in any village then it is incumbent upon us to bring it to the notice of the Government of India so that they may take proper action and may try to see that the grievances are redressed and the confidence of this Government is maintained When confidence is maintained, the natural result would be happiness, peace and order Thus, all of us here and those who are outside this Assembly Chamber will enjoy life under the protection of law

Now, the sad accounts, which have been narrated by my Honourable friend Mr Neogy, are very heart-rending and if all of them are true, then I must say that a blunder has been committed by those Government servants who, instead of extending their sympathy towards those people who were injured, laughed at them They cracked jokes at them People were deprived of their property, which is the sinews of life They were crying, lamenting and seeking for sympathy and help And what did the Government servants do? They simply told them "Go to this man or that man" My Honourable and learned friend Mr Neogy mentioned those names, and I am not going to mention them again Is it not sad if it is true? It is the saddest thing I submit, Sir, the Government of India will kindly keep a note of it that they will be respected when they see that

every person, every subject here in this country is treated in such a way that he may have no grievance against any Government servant As I said, Sir, there are special privileges attached to those who enter Government service On the other hand, there are also some responsibilities which are thrown on their shoulders One of the responsibilities is this, that they will maintain a balance of mind, they will be impartial, they will be just, and they will try to see that a good name is given to Government who are their employers If I were to be one of the servants of " A ", I should try to see that every act of mine might reflect credit on my employer and might not bring any kind of discredit so far as my employer is concerned In that case alone I am a good servant, otherwise not Practically my Honourable friend Mr Neogy's complaint is against those Government servants who really did not realise the weight of their responsibility as such Therefore, my submission is that these accounts, which have been placed before this House, deserve full investigation, and an impartial enquiry must be made and if there is any truth in these allegations, the wrongdoers must be punished I believe my Honourable and learned friend was one of the Members of the Enquiry Committee Therefore there must be great truth in the evidence and statements which he has read out before this House It is quite probable that some of the allegations might be considered as exaggeration , as unfortunately, exaggeration is, sometimes resorted to in such cases But, apart from that, if there is some truth, if there is some accuracy, some correctness in these accounts, then I submit that the Government of India will be pleased to take effective measures so that an end may be put to such things and these things may not recur It is unfortunate that a communal question has been introduced I am averse to it, otherwise, I would have been able to give an answer to my Honourable friend who has associated himself with this communal question But since I am averse to it, I cannot go against my creed My creed is to be a Nationalist, always to see that the rights of Hindus and Muhammadans are safeguarded Since in this affair since in this occurrence the rights of the public have been ruthlessly violated, they are entitled to protection they are entitled to be in such a predicament and condition that their property and lives are safe and that they are not injured Since everything that has been narrated is contrary to what ought to be, I repeat and you, Sir, will kindly permit my repetition, that the Government will be pleased to see that these grievances are properly redressed and that proper enquiry is made If some of the Government servants have behaved in the manner in which they have been depicted to have behaved, then punishment may be given to them and that punishment may be notified so that it might constitute an object lesson to others so that they may come to know that certain Government servants had not behaved properly and so they were punished Thereby the honesty, the impartiality and sanctity of the administration of the Government will be maintained before every person in the country. With these remarks I submit that I support this Resolution, which has been moved by my Honourable friend, Mr Neogy.

Mr Saradindu Mukerjee (Calcutta Suburbs : Non-Muhammadan Urban) In rising to support the Resolution, I would like to draw the attention of the Honourable the Mover of this Resolution to the fact that the Honourable Member has come to the wrong place to redress his grievances He is quite wrong if he thinks he can get any redress from Government for the wrongs that have been perpetrated in Dacca Sir, we saw that in 1905-06 also the Government tried this method, and

[Mr Saradindu Mukerjee]

there was a good deal of repression by one community, I will not mention who, over the other The only remedy that was found was the establishment of the *Anushilan Samiti* and if Government would permit us to establish such societies in these times, my advice to my Honourable friend would be to try for the same However, Sir, we are not concerned with 1905-06 We are now concerned with 1930

Dr A Suhrawardy Was that not an anarchist organisation ?

Mr Saradindu Mukerjee : I do not think that the *Anushilan Samiti* was an anarchist organisation That society was devoted to physical culture and other similar things and my Honourable friend knows perfectly well that whenever and wherever a society is founded for the purpose of physical culture or similar of the motive, it is bound to be declared an anarchist organisation In Dacca what happened was that, first of all, the male members of the families were arrested and then their houses were looted That shows the hand of Government in it

Mr A H Ghuznavi In what place did you find that ?

Mr President Order, order

Mr Saradindu Mukerjee Sir my Honourable friend Mr Ghuznavi has introduced a communal tone in our discussion, which I want to avoid

Mr A H Ghuznavi : You have never been to Dacca ?

Mr Saradindu Mukerjee Yes, I have been

Mr A H Ghuznavi : When ?

Mr. Saradindu Mukerjee : Some months before the occurrence of the Dacca riots

Mr A H Ghuznavi Had you been there after the occurrence ?

Mr President Order, order This sort of conversation cannot be allowed

Mr Gaya Prasad Singh : The Honourable Member, Mr Ghuznavi himself, had never been to Dacca after the riots

Mr Saradindu Mukerjee : I want to place before the House the condition of Dacca, as described by Dr Taylor He says

"Religious quarrels between the Hindus and Muhammadans are of rare occurrence These two classes live in perfect peace and concord, and a majority of the individuals belonging to them have even overcome their prejudices so far as to smoke from the same *hookah*"

Mr A. H Ghuznavi : What year was it ?

Mr Saradindu Mukerjee : That was in 1839 The communities were living quite in peace in those days What is the new cause that has created this ill feeling and this sort of enmity between these two communities ? My own submission is that it is only the hand of Government that is responsible and no one else I should like to draw your attention, Sir, to the Report of the Committee of the Dacca Bar Association consisting of Hindus and Moslems giving in detail the state of communal feeling immediately before this disturbance The Report says

"Before the recent disturbances the Dacca Muhammadan public was not ant Congress, as will appear from the following facts Muhammadan students hoisted th

National flag on the Independence Day, 26th January, 1930 The Hall was also brilliantly illuminated on that day Muhammadan youths joined the procession which came out on that day to celebrate the Independence Day There were also processions consisting exclusively of Muhammadan boys who paraded the streets with the cries ' Mahatma Gandhiji Ki Jai ', ' Bande Matarum ', ' Alla Ho Akbar ' Although there was a fracas on the 26th January and a communal turn was sought to be given to the rioting which followed, it soon subsided chiefly through joint Hindu Muhammadan intervention Mixed batches of Hindu and Muslim University volunteers patrolled the streets at night Good feeling was soon restored between the two communities by the wise and patriotic actions of the two sections, Hindu and Muhammadan, of the Dacca public

Then the Mahatma inaugurated his civil disobedience movement on the 6th of April and launched his crusade against the Salt Law The movement caught the imagination of the masses It appealed to the Dacca masses as it did to the masses of the rest of India The Muhammadan masses at Dacca did not keep themselves aloof from the movement Daily meetings were held in the Coronation Park These meetings were attended and addressed by Muhammadans There was a very large attendance of the Muhammadan youths at a meeting held to read proscribed literature. Muhammadan volunteers went to Contai to break the Salt Law Muhammadan volunteers along with the Hindus picketed the liquor shops The Muhammadan public helped the picketers whenever they were in trouble due to the ruffianism of the goondas and drunkards Indeed at the predominantly Muhammadan quarters such as Kumartuli, Islampur, Sachibandar, Moulvi Bazar and Nawabganj, picketing would have been impossible without the assistance of the Muhammadans of the locality Cigarettes were boycotted by both Hindus and Muhammadans spontaneously without much propaganda *Bris* replaced the cigarettes by which the Muhammadans profited very much, as the *bri* manufacturers are mostly Muhammadans

" At a meeting of the cloth dealers and tailors and outfitters held at the Dacca Bar Association at the instance of the Congress, the Muhammadan dealers and shop keepers mustered strong and a resolution boycotting foreign cloth was unanimously carried, two Muhammadans and two Hindus proposing, seconding and supporting the resolution "

(At this stage Mr President vacated the Chair which was taken by Nawab Sir Sahibzada Abdul Qaiyum)

" Since a long time there had been two parties amongst the Dacca Muhammadans, one led by Khwaja Atikulla, President of the 22 Panchayets of Dacca and the other by Syed Abdul Hafeez, President of the Islamia Anjuman These two parties held separate demonstrations during the Civil Disobedience movement Atikulla's party held two meetings at Paltan The other party also held two such demonstrations one at the Coronation Park and the other at Ashan Manzil It will, therefore, be seen that the cleavage between the two parties was sharp Demonstrations and counter demonstrations were held to increase the adherents of each party The supporters of the Panchayet party consisted mostly of the town people, while those of the Anjuman were Muhammadans from the outlying villages

On 15th April, 1930, a hartal was held at Dacca on account of the arrest of Pandit Jawaharlal Nehru, President of the Indian National Congress No other hartal at Dacca had been so much successful Both Muhammadans and Hindus enthusiastically joined the hartal, Both Hindu and Muhammadan shops were closed Hackney coach drivers, who are all Muhammadans, ceased to ply their carriages on that day Then there was an incident at Sankhari Bazar mentioned hereafter On 5th May, 1930, there was a notice signed by both parties that a mosque had been desecrated by the Sankharis and declaring hartal on 6th May, 1930 The Congress also notified that hartal would be held on 6th May, 1930, on account of the arrest of Dr Kitchlew

Syed Abdul Hafeez, President of the Anjuman, thereupon issued a notice prohibiting the hartal on 6th May, 1930 In that notice he denied that he had ever signed any notice declaring hartal In the meantime Mahatma Gandhi was arrested and hartal was spontaneously observed at Dacca on that day Syed Hafeez tried his utmost to open the shops, but failed "

From this, Sir, we find that there was no sort of communal bitterness, so far as Dacca was concerned, immediately before these disturbances And then we suddenly find that a trivial cause was held to be the root cause of these disturbances We need not dilate upon that It

[Mr Saradindu Mukerjee]

is very easy to see that the whole object was that the stronger party, *i.e.*, the Government, was trying to create a disturbance in the feelings between the two communities, so that the sins of the outrages might be placed on the heads of one of these communities Sir, big houses were burnt down, and there is a House called "Sushila Nibash", a very big house, which was absolutely burnt down There was a furniture shop, which was only 200 yards from the police station, and that was looted and completely burnt down That shows that the police were not doing their duty My idea is that if there had been an able officer like my Honourable friend, Mr G S Dutt, at the helm of public affairs there, instead of at Mymensingh, where he kept matters calm by his tact and judgment, this trouble would have been stopped in no time We have seen that when there was a communal disturbance in Calcutta in 1926, the place just opposite to Calcutta, *i e*, Howrah, was absolutely quiet, and only because there was a judicious Indian officer at the helm of affairs So my idea is that, if there had been an able Indian officer there in charge, this trouble would have ceased in a very short time So my submission to Government is that in places where such disturbances occur frequently, they will try to place officers who enjoy public confidence

Mr N. G Ranga (East Godavari and West Godavari *cum* Kistna Non-Muhammadan Rural): Sir, my Honourable friend Mr Ghuznavi gives the impression, which I think he really does not wish to give, that he is very anxious that there should be disharmony and discord between the Hindus and Muhammadans Otherwise, where is the necessity for him to protest against a harmless quotation from Mr Taylor's book stating that a long time ago, in 1839, there was no trouble at all between the Hindus and Muhammadans of Dacca? Secondly, he was mentioning that the Hindus as well as the Muhammadans had to suffer in that unfortunate affair that took place in Dacca, and he was particularly careful to mention the fact that 13 Muhammadans were murdered as against 11 Hindus What does it matter whether there were 13 Muhammadans or 13 Hindus who were murdered, provided they were Indians? Does he mean to say that, just because a man happens to be a Muhammadan, he ceases to be an Indian? Does he mean to say that just because a mischievous Hindu boy in a moment of aberration attacked a Muhammadan boy, all the Hindus should be attacked as they were in Dacca merely on account of the fact that they were born Hindus? If to-day in Simla one Muhammadan gentleman were to be so very imprudent as to attack a Hindu gentleman, is that any reason why all the Hindus in Simla should go and attack the Muhammadans at once? Sir, this is a very curious mentality It is the sort of mentality which is really standing in the way of our attaining Swaraj, and the sooner we get rid of this mentality the better, and I am sure that in his more responsible moments my Honourable friend, Mr. Ghuznavi, himself will feel that he has committed a mistake in giving this unfortunate impression to the House that he is anxious that there should be trouble and discord between these two great communities who ought to live in peace, harmony and fraternity.

Sir, the Honourable Members on the other side of the House may be doubtful about the accuracy of the facts that were placed before them by my Honourable friend, Mr Neogy I can assure them

that my Honourable friend is as responsible a person as any highly placed official on the other side of the House. But, at the same time, even supposing that they are incredulous about the facts that were stated here by Mr Neogy they will certainly not be prepared to dispute the facts placed before them by my Honourable friend Mr. Ghuznavi He himself has stated that the police force was not enough Why should it be inadequate and insufficient ? Dacca is an important city, second in importance to Calcutta, so far as Bengal is concerned, and why was the police force there not enough ? This widespread trouble was going on between these two great communities for well over a week The Government of India and the Government of Bengal have not taken care to see that there was adequate police protection provided for these people who asked for it We have seen from the quotation that was given by Mr Neogy that a lady Principal, whose rights were disturbed and who was anxious to get this protection for herself and the children in her custody, was not given that protection The police were not willing and were not prepared to go to her rescue Is that the way in which Government should be carried on in this country ? Only the other day, we saw the empty boast in the Simon Report that the British Army should be kept in this country in order to maintain peace and in order to see that no disturbances occur between these two great communities Sir, if that is so, if the British are kept on here as an army of occupation, where was that Army in that unfortunate place, Dacca, for one week and more ? What happened to this Government ? It is clear from the facts that have been placed before this House that there was no government at all for that one week Everybody was asking for protection, whether Muhammadan or Hindu , and Mr Ghuznavi himself has borne testimony to the fact that Muhammadans have suffered considerably in this unhappy episode , and yet were they given protection ? Were the Hindus given protection ? Were ladies given protection ? What happened to this Government and where was it ? Was it drowned in the Bay of Bengal ? Or was it consecrated at the altar of the Goddess of Sin and all that goes with it ? The Government was not there It only shows that, whenever there is serious trouble between these two great communities in this country, this Government does not exist , it does not want to exist or to function. If on the other hand it were to be a matter of trouble between those peaceful Satyagrahis—and I tell you they are harmless on the one side and the mischievous and hooliganistic and well-armed Government on the other, then I can assure you there will be too much exhibition of the strength of this Government Go to any place,—Cocanada, Rajahmundry, Ramachandrapur, Chirala, Guntur, Bezwada, Gudivada, Masulipatam or Nellore—and what do you find there ? You find that there are three times as many policemen today as were to be found in those places before. Why is it so ? Was there any firing incident or any riot or any evidence to show that the people were mad enough to quarrel among themselves ? There was absolutely no such evidence Yet this Government shows itself in all its vileness, in all its fierceness, and displays all its bestial claws only in those places, whereas in places where there was great necessity for the exhibition of its powers, it is not to be found, it is not to be discovered Is that not evidence enough to condemn this Government and to damage its reputation in the eyes of this world ?

[Mr N G Ranga]

I am very glad really that Mr Neogy has given this opportunity to this House to see this Government in its real and true colours In this quarrel at Dacca, many houses were burned down and many people were killed and many injured we need not bother very much about this, but some people—I am told their number was large—were reduced to such a state of impotency and necessity, that they had to bury or burn the bodies of their beloved relatives who were murdered in that unfortunate episode, in the yards of their own houses and why? Because they were afraid to go to the cremation or burial grounds to perform the last necessary religious rites Sir, a Government which does not enable its people to give the very last religious rites to the people who die under its very nose, that Government stands condemned and negatived, it does not deserve the name of Government It may be a sort of organization of people in the services if you like of people with vested interests if you like and may be it is a conglomeration of such people who are here to scratch one another's backs in order to support one another and in order to keep their domination over other people, not in the interests of those people who are suppressed by it, but in the interests of itself But anyhow it is not a civilised government, nor is it an efficient government, it is an inefficient, barbaric and useless form of government which is too costly for this country and which at the same time fails to discharge its primary functions On the other hand where it finds it easy

The Chairman (Nawab Sir Sahibzada Abdul Qaiyum) There are several other Members who want to speak on this subject and the Honourable Member might therefore conclude his remarks

Mr N G Ranga: I shall close in five minutes, Sir In other places where it finds it easy to put down its enemies, it does not find it necessary even to show the necessary amount of patience which it has shown in Dacca in abundance, or sufficient consideration which it claims to have shown in the affairs of Dacca In all those places in the Andhra country and in other parts of India where it found its enemies—I call them enemies constitutionally, who are indeed peaceful, harmless and useful—it has shown its fangs unnecessarily and prematurely and created so much trouble and caused so much unhappiness and damage and hurt to the feelings and the bodies and properties of so many people that it will not be possible even for the best friend of this Government to say to its credit that it really deserves the name of Government. Therefore I heartily commend the Resolution to this House and request each and every Member, at least the elected Members of this House, to vote for it, in the hope that hereafter at least the Government will try to become an efficient Government and will try to discharge the elementary functions for which a Government is established, to enable individuals to enjoy freedom of speech, freedom of meeting, freedom of movement and freedom of social functions, so that it may be possible for the future historian to say that this Government has, at the last moment at least, tried to justify its own existence by realising its own mistakes and its blunders and has come to the conclusion that it should not commit any of those blunders any longer

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) Sir, I am surprised that my Honourable friend Mr Ghuznavi

should have taken exception to such a harmless Resolution as the one which is now before the House What is the Resolution before the House ? It is no more than this, that the Government of India may be pleased to publish the correspondence that has passed between them and the Government of Bengal with regard to the Dacca disturbances I do not understand, how any Member of this House could take exception to this.

Dr. A. Suhrawardy : What is the object underlying the Resolution ?

Mr. Gaya Prasad Singh : Sir, there are two versions with regard to the Dacca affair One version has been put before the House by my Honourable friend Mr Neogy Mr Ghuznavi takes exception to some of the remarks made by Mr Neogy, and says that Hindus at some places are aggressive, and he has most unfortunately given a communal turn to the whole debate, although the Mover scrupulously refrained from doing so Why were my friends of the Moslem Group anxious to see the Report of the Sulaiman Committee published with regard to the happenings that took place in Peshawar ? In the same way I do not understand how any Member, whether he belongs to the European Group or to the Central Moslem Group or to any Group for the matter of that, can rightly take exception to the course which is advocated by my friend Mr Neogy My friend Mr. Ghuznavi seems to have put himself in the shoes of the Honourable the Home Member, with all his responsibility Let the Honourable the Home Member say that the correspondence in question is a confidential document and that it cannot be laid before the public One can understand his position Those documents will bring out in true colours the nature of the instructions which might have emanated from the Government of India, or the nature of the suggestions which might have come from the Government of Bengal That is entirely a matter for the Treasury Benches, but I cannot understand how a non-official Member can constitute himself as the custodian of the conscience of the Treasury Benches, and say that the correspondence that passed between the two Governments should not be published That creates a suspicion

Mr A H Ghuznavi : I never said that

Mr. Gaya Prasad Singh Then why oppose it ? The Resolution is that this Assembly recommends to the Governor General in Council to publish all correspondence that has passed between the Government of India and the Government of Bengal in connection with the recent outbreak of lawlessness in the city of Dacca and its neighbourhood, and my friend has thought it proper to oppose it I should like to know on what grounds he has opposed it

4 P M

Dr. A Suhrawardy : Mr. Neogy's object was to raise a debate on the Dacca disturbances, and he has already done it

Mr. Gaya Prasad Singh : Sir, before proceeding further, I should like to draw the attention of this House to the statement made by Mr. Hotson, the Superintendent of Police of Dacca This statement was made before the Government Inquiry Committee at Dacca In the course of his evidence in connection with the disturbances at Bangshal he says this :

"While the police were busy, looting and arson were started in the presence of the witness and Hindu houses were burnt"

[Mr Gaya Prasad Singh]

Sir, there are some incidents of Dacca which I should like to place before this House A man was riding a bicycle without a light There was trouble between the police and the bystanders over this affair. Soon the police mustered strong, and began to belabour the passers-by mercilessly. Can Mr Ghuznavi justify this ? This is an incident on which I hope the Honourable the Home Member will throw some light, if he can I do not understand why my Honourable friend Mr Ghuznavi should take exception to a harmless course which is suggested by the Mover of this Resolution, and by other Members on this side of the House.

Then, Sir, when the mob set fire to Hindu houses, the police formed a cordon at the entrance of Bangshal Street, which resulted in preventing the Hindus from going to the rescue of their co-religionists and putting out the fire On the night of the 23rd May, a dead body of a Muhammadan was found in Paltan Nobody knows how he was murdered Some people doubt if he was murdered at all But this mysterious murder was utilised by designing persons to excite the Muhammadan mob It was resolved to carry the dead body in a procession on Saturday the 24th May And strange to say the authorities allowed such a procession at a time of acute tension The processionists incessantly cried that a Muhammadan had been murdered by the Hindus The motive is obvious It was done to excite the passion of the Muhammadans Now, I should like the Honourable the Home Member to explain why a public procession was allowed to accompany a dead body, which was not even proved to have been a case of murder by any one.

Dr A Suhrawardy . Was it a funeral or a procession ? Are you referring to the funeral of the Muhammadan who was murdered or to the procession ?

Mr. Gaya Prasad Singh . The Honourable Member understands very well to what I am referring

Dr A Suhrawardy : I am trying my best to do so

(At this stage Mr President resumed the Chair)

Mr Gaya Prasad Singh . Now, Sir, as this procession was passing, looting started, and Hindu shopkeepers began to close their shops But unfortunately the door of Star Medical Hall at Babur Bazar was partially kept open And some of the hooligans at once entered the Hall and fatally stabbed the proprietor of the Hall He recognised his assailants and mentioned the name of one of them The man was arrested, but it is reported that he was subsequently released Can this be justified ?

Sir, in making these observations, I want to steer clear of all communal feelings As has been pointed out by previous speakers, hooligans are hooligans, whether they are Hindus or Muhammadans, and, to apportion blame to any one community is far from my intention The important thing is the attitude of the local authorities Sir, I am going to place a few more specific instances before the House, and I should like the Home Member to clear up the incidents if he can. I do not understand why any Honourable Member of this House should take exception to these incidents, which bring discredit on the officials, being brought to the notice of this House, and get the whole position cleared up

Then, Sir, at Chawkbazar the shops of Meghu Shaha and Upendra Shaha were looted, and these shops were within the sight of the police section I should like to know why the police were inactive all the time, and what steps they took to prevent this mischief from spreading Babu Rohini Kumar Chakraborti was killed and Babu Surjya Kumar Bose, one of the Managing Directors of a Cotton Mill, and three others were seriously injured The police, headed by the white civil guards, arrived on the scene Not a single Muhammadan was arrested, but the guns of the Hindus were taken away by the police The tragedy of the situation is that not only did the police not afford any effective protection to the Hindus but the Hindus were hindered by their presence from defending themselves when attacked by the hooligans Several policemen are reported to have been standing near by, but they did not interfere No member of the mob was arrested, but 13 Hindus were arrested at Bashabari Lane on Wednesday the 28th May, although no Muhammadan was molested in that Lane on that day or on any other day

Sir, it has been pointed out that there was not enough police From the evidence which my Honourable friend Mr Neogy has placed before the House this morning, and from what I have gathered, it will be clear to any impartial observer that there was no serious dearth of police, but it is suspected that the local authorities were given a particular kind of instructions not to interfere with a particular course of action, with the result that matters have ended in this most unfortunate manner

Now, Sir there is another incident which I should like to place before the House At about 8-45 A M , the raid at Kayettooly began ; and the house of Babu Prosonna Kumar Nandy was attacked The police were telephoned to by Mr Abdul Kadiri, Deputy Superintendent of Police, but did not come Two daughters of Prasanna Babu, Anindya Bala and Amiya Bala, who are students of Class IX of Kamarunnessa High School, repulsed the attack for about half an hour, but had ultimately to give way after Anindya Bala had been wounded on the forehead The Kayettuli loot commenced at a quarter to nine, and the police did not appear before 11 A M This indicates, Sir, that the plea that there was not enough police is unfounded The Superintendent of Police was phoned to at about 9 A M by Mr Abdul Kadiri, Deputy Superintendent of Police, from Babupura Police Station The S P 's reply was that no police were available, but it happened that, at that very time Babus Jogendra Nath Sen, Lalit Mohan Roy, pleaders, and Mr P K Bose, Bar-at-Law, were present at the Police Office They saw there at least 15 Gurkha or arhwali armed police and an equal number of ordinary constables, with four or five European police officers and three motor buses The District Magistrate was also present there

The District Magistrate of Dacca held a peace conference, and when the peace conference was being held in the police buildings, the members of that conference saw an incident which was this

The members of the Peace Committee noticed from the verandah of the Police Office a fire in the direction of Kayettuli In the midst of the discussion the Magistrate rose and abruptly left the meeting That was at about 10 o'clock It will be seen that at that moment Kayettuli was being raided and burnt, but strange to say the Magistrate did not go to Kayettuli, from where repeated calls for police help had come

[Mr. Gaya Prasad Singh.]

The raiders, who were concerned in the pillage and burning of Kayettuli had thus a free hand for over two hours and a half They came in batches in motor buses One bus was relieved by another It was noticed that one such bus was named "Momin" One private car was seen carrying *lathis* and other weapons and petrol

Mr President : The Honourable Member has exhausted his time I hope he will try to bring his remarks to a close now

Mr Gaya Prasad Singh . All right, Sir I will give no more incidents I support the Resolution, and resume my seat

The Honourable Mr. H. G Haig : Sir, I am sorry to have to disappoint my Honourable friend Mr Neogy

Mr K C. Neogy : Nothing will disappoint me I did not expect anything

The Honourable Mr. H G Haig . for I do not wish to make any complaint that this subject has been raised today in this House My Honourable friend, Mr Neogy, endeavoured, I think, to keep the discussion to an issue which I am perfectly prepared to answer as far as I can—the issue, briefly, between the Government and the people In a case of this kind, where the origin of the disturbances is communal, it is unfortunately not possible to keep out altogether certain references to what are obviously the different versions of the story that are believed by the different communities But I shall endeavour to restrict my answer to the question of the responsibility of Government

Now, Sir, before I leave this question of communal trouble, I should like to say one word with reference to what fell from the Honourable Member, Mr Mukerjee I understood that he was accusing Government of promoting these communal riots That, Sir, is a charge which I am sorry should be made by any Member of this House The Honourable Member, I should have supposed, would remember the efforts made by the Government of India, and, in particular, by His Excellency the Viceroy, a few years ago, when we were passing through a period of very lamentable and acute communal trouble His Excellency the Viceroy made two great and powerful appeals to the country which were circulated widely all over India, and which, in my judgment, had a very considerable effect in producing a far better and calmer atmosphere, and I think that the Government might be spared accusations of that character

The case of my Honourable friend, Mr Neogy, was a different one I do not wish to deny that the situation which arose in Dacca was serious and most deplorable We have heard a number of details to-day I cannot vouch for their accuracy, but the broad picture, no doubt, is true that for some days there were very serious disturbances in Dacca, that a number of persons were killed and a number of persons were injured, and that houses and shops were burnt and looted. I do not, for a moment, wish to deny that general picture Nothing could be a matter of greater regret to Government for Government are responsible for preserving the peace, and in this case, undoubtedly, the peace was seriously broken. I do not, therefore for a moment, deny that there is a case for Government to meet

Now, Sir, the case of Mr Neogy, if I understood him aright, taki it broadly, was that the police deliberately refrained from giving su assistance as was in their power, and that Government allowed this sta of affairs to continue, I might almost say, as a matter of policy We Sir, those are very serious accusations I do not propose to enter into th justification for such accusations or into a refutation of them That is matter which will come up later when the Committee of Enquiry whic is now sitting, has reported But, as one side of the case has been pr sented to the House, let us, at any rate, see whether there is not son other and possibly more probable explanation of the unfortunate develo ments that took place in Dacca It is, I think, common ground that the riots broke out very suddenly, and, as far as I know, quite unexpectedl and spread with the most remarkable rapidity I understand that it wa on the 24th May that the riots really broke out seriously, and that th two days when most of the damage was caused were the 24th and 25th Now, Sir, a good deal of reference has been made during the debate t the strength of the police force and whether the police were not in position to restore order at once by vigorous action We have not got ver full details of the position, but there is no doubt from the reports I hav received that the police force in Dacca at the time these riots broke ou was exceptionally weak

Mr Gaya Prasad Singh : May I know what was the strength of th police force then ?

The Honourable Mr H G Haig : I am afraid I cannot say

Mr Gaya Prasad Singh . Then how does the Honourable Member sa that it was inadequate ?

The Honourable Mr H G Haig : I am giving the report which w received from the local officers It was mentioned that, though ever assistance was given by the Eastern Frontier Rifles with its very limited forces, the police force was quite inadequate to deal with the situation and I also have a report here which says that it was very unfortunate tha this serious outbreak should have occurred at a time when the greate part of the military police force was absent from Dacca A point ha been made of the fact that Dacca is the headquarters of the Eastern Frontier Rifles Well, it is quite clear that the greater part of that Force was absent from Dacca Honourable Members, I think, can themselves conjecture what were the reasons which led to the depletion of the police forces in Dacca They are well aware of the outbreak at Chittagong, whic required a very large force for its suppression and for the subsequent operations I do not know whether other portions of the force had had to be drafted into Calcutta, but broadly speaking when you have a pro vince like the province of Bengal in its present deplorably disturbed condi tion, the strain on the police and the demand for the limited force avail able to Government is very great, and it was undoubtedly due to the dis turbed conditions throughout the Presidency of Bengal that when these riots broke out in Dacca the police force there was under its normal strength That is an important point which I would ask the House to bear in mind Now, Sir, I think some of the statements we have heard today bear out that view—that really the police force was not adequate for the work they were suddenly confronted with My Honourable friend, Mr Neogy, mentioned the case of a lady who repeatedly appealed for

[Mr H G Haig]

assistance, and I was struck by the reply which, I understood, she repeatedly received—"None available" That, Sir, I think probably represents the facts There really was not a sufficient police force to deal with the situation that arose Well, did the Government of Bengal do nothing on this? I do not quite know how long it takes to get from Calcutta to Dacca, but at any rate I have here information that, on the 26th, the Inspector General of Police arrived at Dacca with 215 men, and I should judge—I do not want to be dogmatic on the subject—that after the arrival of the Inspector General of Police with his 215 men on the 26th May, most of the serious trouble was stopped I do not think that, after that date, though no doubt isolated incidents continued, there was anything of a serious and widespread nature

There is one other point that I should like the House to bear in mind, and that is that a very great difficulty always confronts the police when dealing with these communal disturbances It is not as a rule the case of a single crowd or mob which has to be dealt with, but experience not only in Dacca but in many places, in many large cities throughout India, has been that when these communal disturbances start there are isolated assaults in all quarters of the town and when there is any question of looting and burning, the looting and burning take place sporadically all over the town It is exceedingly difficult to deal with those conditions unless you have a really considerable force, and the only effective way in which they can be stopped is by picketing the whole area concerned—I mean picketing in the official sense (Laughter)

Well Sir I do not wish to be thought to be giving a complete answer to the charges that have been made today, for I do not profess to have in my possession anything like complete information

Mr N G Ranga. When will the Government of India have complete information?

The Honourable Mr H G Haig: I will deal with that in one moment As I have already said, the Government of Bengal realised that there was a case for the Government to meet, and consequently they appointed a committee on the 12th June, consisting of a High Court Judge from Patna and a member of the Board of Revenue, and I would invite the attention of the House to the terms of reference to that Committee, in order to show that Government are quite aware of their position and of their responsibility The terms of reference to the Committee were to inquire into the causes of the disturbances, to inquire into the incidents of the disturbances and to inquire into the measures taken to deal with them—the causes, the facts and the measures taken by Government Therefore the question which has been raised by my Honourable friend today is one of the definite points, which has been referred to that Committee which will report in a short time That, Sir, is my answer to any suggestions that I should give a reply at once on the various points of detail, that I should give an explanation and that I should say whether the action taken was adequate or inadequate That is a matter which is now under the consideration of the Committee

Now, Sir, I come, in conclusion, to the actual form of the Resolution which has been moved by my Honourable friend He has asked for the

publication of certain correspondence Our correspondence with the Government of Bengal has been comparatively limited

Mr President : The Honourable Member has not pressed that point In his speech he did not press that point at all

The Honourable Mr H G Haig Perhaps I should make a brief answer on that point, because that forms actually the terms of the Resolution To a large extent the correspondence which we have had with the Government of Bengal represents facts which have already been published and the republication of which would do no good To the extent to which any views may have either been expressed or suggested in that correspondence, I do feel quite definitely that it would be undesirable now to publish them All these matters are coming under the review of the Committee, and it is undesirable that we should break in upon their labours by the publication of any tentative or incomplete views Any views that Government may have on this subject will have been placed before the Committee, and until the latter has reported, I do not think it would be wise to publish anything which would suggest definite conclusions by Government I would go further, Sir, and urge that, at a time like this, Honourable Members should refrain from making any allegations as I gladly recognise that for the most part they have either on one side or on the other, which might be likely to embitter the situation and to embarrass the inquiry Though the Committee is not a court of law, still it is engaged in the same functions as a court of law It is endeavouring to ascertain facts and to come to conclusions, and it can only be a handicap to its work that the matters into which it is inquiring should form the subject of public controversy I would therefore, Sir, oppose the motion

Several Honourable Members : I move that the question be now put

Mr President Mr Neogy

Mr K C Neogy Sir, I promise to be very brief in my reply, and I am going to disappoint my Honourable friend, Mr Ghuznavi, by refusing to walk into his parlour I am not going to raise a communal issue in my reply, just as I did not in my first speech My Honourable friend, Sir, mostly depended upon second-hand information While the Dacca riots were going on he was for most of the time oscillating between Simla, Darjeeling and Calcutta

Mr. A H. Ghuznavi : I had never been to Darjeeling then

Mr K C Neogy : He found no time to go down to his constituency, although the most important spot in his constituency had been ablaze The Honourable Member had very responsible duties to shoulder at that moment because the Simon Report was about to be published, and the proper atmosphere had to be created for its reception, and I am not surprised at the tone of official responsibility which he adopted in opposing this Resolution It seems he already feels the weight of the responsibility of Government resting on his shoulders

An Honourable Member : Or he might have been thinking of the Round Table Conference.

Mr K. C. Neogy : Sir, my Honourable friend relied on a particular version of certain incidents I possess complete papers on each and every

[Mr K C Neogy]

incident dealt with by him, but I do not propose to go into them at all My Honourable friend complained about the Hindu papers, but what about the Anglo-Indian papers, what about the *Statesman* itself ?

Lieut.-Colonel H A J Gidney (Nominated Anglo-Indians) What has the Anglo-Indian got to do in this matter ?

Mr K. C Neogy . Sir, so far as the incidents at Rohitpur are concerned, one may depend certainly upon the version published in the *Statesman* My Honourable friend will see

Dr A Suhrawardy Who was the reporter ?

Mr K. C Neogy that even a paper like the *Statesman* does not bear out his version in this particular instance Fortunately for us, all the Muhammadans of Dacca are not like my Honourable friend, Mr Ghuznavi (Hear, hear), and I am here to acknowledge that individual Muhammadan gentlemen have afforded protection to Hindus in distress during these troublous days , and I propose to read out a certain statement made by a Muhammadan pleader of Dacca which will have some interest for my Honourable friend, Mr Haig The statement is a signed one, and I have seen the original in the Bar Library at Dacca This statement has reference to the point as to whether the police force at the time was adequate

"On Saturday", says this statement, "returning from Court at about 5 P M , hearing a great noise coming from the direction of Nava Bazar municipal market, I proceeded towards the market I met some passers by who told me that a shop in the market had been set fire to I went near the market where butchers' shops are situated I found a crowd before the burning shop, and I saw several men going with articles of the shops They were all Muhammadans I found that a few police men with a European officer coming out of the crowd moving leisurely towards the west

(Sd) A F NURAN NABI, B L ,
Pleader, Dacca "

It is not a question of the insufficiency of the police, it is indifference, it is criminal callousness

The Honourable Mr H G Haig . These, Sir are matters which will come under inquiry by the Committee

Mr K. C Neogy : I quite realize that My Honourable friend has done a very good service to me by reminding me of the point What, Sir, is the constitution of that Committee ? Two members of the Indian Civil Service, may be, one is a Judge of the Patna High Court, and the other a Member of the Board of Revenue in Bengal The Honourable gentleman knows the nature of the allegations brought forward in this matter The Honourable Member knows who are suspected to be at the bottom of the whole thing The Honourable Member knows that the *bonâ fides*, at least of the local authorities, including some I C S gentlemen, are being questioned

The Honourable Mr H G. Haig : Does the Honourable Member mean to question the *bonâ fides* of the members of the Committee ?

Mr K C. Neogy . I have nothing to say personally against either of these gentlemen, but the fact that Government could not find members for this Committee from outside the I. C S shows that Government

perhaps are not very sincere in their desire to get an unbiassed report (Hear, hear) The popular impression is that the Committee has gone down to Dacca with a lot of whitewash, and I am certainly entitled to give vent to the popular apprehensions in this matter They do not feel that the Committee, which is inquiring into the matter, is doing so with an open mind The action of the authorities, that of the Commissioner of the Division who was present at Dacca at the time, that of the District Magistrate, and all the rest of them belonging to the I C S, the conduct of all these gentlemen will have to be inquired into, and the Government could not make a better choice than selecting two members of that very service to constitute the Committee ! And what did the people want ? The people wanted a mixed committee composed of officials and non-officials The Honourable Member might say, " There is a dispute between Hindus and Muhammadans, and if Government had appointed a committee composed of Hindus, the Muhammadans might object, and *vice versa* " But they could, if they wanted to avoid non-officials, appoint to the Committee a Hindu Judge of a High Court and a Muhammadan Judge of a High Court, with the addition of a European Judge if they so liked Now my Honourable friend stated that the points raised here are really in issue before that Committee But he surely missed the point of my Resolution The Committee is concerned with an inquiry into the responsibility or otherwise of the local officials for the situation created What I want to know from the Government is, what attitude did the Government of India take in this matter ? Is the attitude of the Government of India also being investigated by this Committee ? Nothing that the Honourable Member read out from the terms of reference of this Committee bear him out there What I want to know is, what was the attitude of the Government of India all this time ? That is certainly quite different from the subject-matter of the inquiry, which is to find out the responsibility of the local officials unless of course the Government of India identify themselves thoroughly with the local authorities

The Honourable Mr H G Haig : I do not quite understand what the Honourable Member means If the Local Government were handling the matter adequately, there was no occasion for the Government of India to intervene The view of the Government of India was that the Local Government were handling the matter adequately By appointing this Committee of Inquiry, they were doing what was right.

Mr K. C Neogy : Is that what the Honourable Member wrote down to the Government of Bengal, namely, that, " You are doing all that is needed for the situation ? " That is exactly what I want to know I should like to have an answer, Sir

The Honourable Mr H. G Haig : An answer to what ?

Mr. K C. Neogy : Did the Government of India simply write to the Government of Bengal that they were perfectly satisfied about what they had done in the matter ? Do I take it that the Honourable Member and his Government were keeping their eyes and ears shut to the situation in Dacca ? It is necessary for the purpose of establishing the Honourable Member's *bonâ fides* that the correspondence should be published. I hope the Honourable Member realises the seriousness of the allegations that have been levelled against Government Does the Honourable Member know .

Mr. Jehangir K Munshi (Burma Non-European) Will you permit me, Sir, to intervene on a point of information ? Will the Honourable Member give an assurance to the House that, after the report of this Inquiry Committee, he will publish the correspondence with the Government of Bengal on this subject ?

The Honourable Mr H G Haig I am not prepared to give any such assurance

An Honourable Member : It will be published after the Round Table Conference has finished its labours

Mr K. C Neogy . Do I take it, then, that the Government of India have fully approved of what the Government of Bengal have done by not sending down any responsible officer to the locality ? I may inform the House that not one single soul stirred out from Darjeeling, neither the Chief Secretary nor Mr Prentice who is in charge of this portfolio, not to speak of the Governor himself

Sir, reference was made to a funeral procession I have the statement of the officer in charge of the cremation ground at Dacca The House will remember that whereas a funeral procession, which started the rioting, was allowed to be taken through the leading streets of the city without any let or hindrance, the Hindus could not take their dead bodies for cremation to the cremation ground And when this officer approached the Chairman of the Municipality the Chairman sent him with a letter to the Thana (the Police Station) He says

"A Muhammadan Sub Inspector was at the thana then I delivered the letter to him, and on perusing the same, he told me ' You indulge in Swadeshi and shout *Bande Mataram* why then do you come to us with a letter from Swadeshiwallah Satis Sarkar (Chairman) "

The Sub-Inspector then handed over the letter to the officer in charge of the thana, who ordered it to be filed and said " You won't get any police for guarding the burning ghat " Several people who had gone there carrying their dead bodies for cremation were murderously assaulted and one of them actually lost his life Since that incident took place, no Hindu had any protection in the matter of carrying the dead bodies to the cremation ground and the dead bodies had to be cremated inside their own houses Look at this picture and the other one ! A huge procession carrying a dead body was allowed to be proceeded with throughout the streets It consisted of several thousands of people by the time it had reached the mosque

Then, again, with regard to the question of inadequacy of the police force Mention has already been made by my Honourable friend, Mr Sen, about the action of the police in snatching away the guns from people who were attempting to defend themselves with their help Here is the statement of a Government officer, a Lecturer of a Government College

"I then met the hooligans with my gun and after a few shots were fired the rowdies fell back I was waiting with the gun in hand when to the relief I found a short Anglo-Indian officer on the roof of my house accosting me, even though he was pointing his revolver to me He asked me to put down the gun which I did , and without entering into any reasoning or arguments with me, told me that the Deputy Inspector General of Police was coming up and that I might tell him anything I liked. The latter came up soon after and to my surprise he wanted me to deliver up

my gun which he would seize, although I pointed out that I was a Government servant and fired in self defence There was another gun in the adjacent house which he also seized ''

Does the Honourable Member mean to say that, whatever the Committee of Inquiry may have to say with regard to these incidents, the effect of the statements of responsible people like those whom I have quoted can be taken away ? What is the use of waiting for the Report of this white-washing Committee ?

Then, Sir, another point has not been investigated All the burning that has been done has been done with the help of petrol Petrol was smeared on the doors, the beams and the rafters of brick-built houses A large quantity of petrol was required for the purpose Will the Honourable Member make an inquiry and find out as to whether the police have as yet tried to discover the source from which this petrol came ? It has been openly alleged that the petrol was carried in private cars belonging to certain particular persons, and yet no action has been taken in this direction Even if I were to concede, for the sake of argument, that the police force was inadequate at the time, what have the police done since to arrest the people who were named by the aggrieved persons as having been then assailants and having looted their property ? What action has been taken to try and discover and seize the looted property ? The Honourable Member's case, I take it, is this that, although the strength of the police was not sufficient when the riots actually took place, it is quite sufficient now Will the Honourable Member find out as to why it is that no serious attempt has been made to recover the looted property worth at least 20 to 30 lakhs ? I know that in a few instances make-believe searches were made And would it be believed by this House that before the searches were made, people were cautioned by beat of drum in the City of Dacca that searches might take place ? This statement has been made by responsible people The House can easily imagine what came out of these searches

Sir, I am about to close my career in this House

An Honourable Member And so say all !

Mr K C. Neogy : I may be permitted to say that when I came into this Assembly ten years ago I had great confidence, if not in the Government at least in the Constitution God knows that I did not come here to advance my personal interests in any way And when I go back today, may I tell this House that that faith has been rudely shaken by the recent incidents that I have myself witnessed with my own eyes and about which I have made personal inquiries I feel that it is extremely difficult for any one to do any real service to his country as a Member of this House If I have said anything which might have irritated the Honourable Members opposite, it is because I expected a very high standard of conduct from the Government which they have failed to attain

Mr President : Resolution moved

'' This Assembly recommends to the Governor General in Council to publish all correspondence that has passed between the Government of India and the Government of Bengal in connection with the recent outbreak of lawlessness in the City of Dacca and its neighbourhood.''

The question is that that Resolution be adopted

The Assembly divided

AYES 29

Ayyangar, Mr K V Rangaswami	Nehal Singh, Mr
Ayyar, Mr N Natesa.	Neogy, Mr K C
Chettiyar, Rao Bahadur P T Kumaraswami	Patil, Rao Bahadur B L
Chetty, Mr R K Shanmukham.	Patil, Rao Bahadur, D R
Das, Mr B	Ramji, Rao Sahib B
Dutt, Mr Amar Nath	Ranga Iyer, Mr C S
Dutta, Rai Bahadur S C	Ranga, Mr N G
Dwe, U	Rao, Mr G Sarvotham
Jayakar, Mr M R	Reddi, Mr T N Ramakrishna
Lahiri Chaudhury, Mr D K	Sahi, Mr Lal Narendra Pratap
Maheshpuri, Mr G	Sarda, Rai Sahib Harbilas
Mukerjee, Mr Saradindu	Sen, Mr S C
Munshi, Mr Jehangir K	Singh, Mr Gaya Prasad
Nand Lal, Dr	Sitaramaraju, Mr B
	Venkatakrishnayya Chowdry, Mr P

NOES 49

Abdul Qaiyum, Nawab Sir Sahibzada	Mitchell, Mr D G
Alexander, Mr W	Moore, Mr Arthur
Anwar ul Azim, Mr	Mukherjee, Rai Bahadur S C
Bajpai, Mr G S	Noyce, Sir Frank
Bajpai, Mr R S	Parsons, Mr A A L
Banerji, Mr Rajnarayan	Pillai, Mr A A
Baum, Mr E F	Ramy, The Honourable Sir George
Bhore, The Honourable Sir Joseph	Rajah, Rao Bahadur M C
Buss, Mr L C	Ranmalsinhji, Sardar I
Chatterjee, The Revd J C	Rau, Mr H Shankar
Cocke, Sir Hugh	Sahi, Mr Ram Prashad Narayan
Dalal, Dr R D	Sims, Mr H A
Dutt, Mr G S	Sarma, Mr R S
Ghuznavi, Mr A H	Schuster, The Honourable Sir George.
Gidney, Lieut Colonel H A J	Scott, Mr J Ramsay
Gwynne, Mr C W	Sen, Mr U N
Haig, The Honourable Mr H G	Sorley, Mr H T
Hamilton, Mr K L B	Stodart, Mr J C
Heathcote, Mr L V	Studd, Mr E
Hira Singh Brar, Sardar Bahadur Honorary Captain	Suhrawardy, Dr A
	Sykes, Mr E F
Howell, Mr E B	Tin Tut, Mr
Jawahar Singh, Sardar Bahadur Sardar	Turner, Mr A C.
Koreishi, Mr A O	Yamin Khan, Mr Muhammad.
Lamb, Mr W S	Young, Mr G M.

The motion was negatived

Mr. A. H. Ghuznavi (Dacca Division Muhammadan Rural) . Sir, I beg to move the following Resolution which stands in my name

" This Assembly recommends to the Governor General in Council that steps be taken in all cases of Railway accidents entailing loss of human lives (1) to institute a Coroner's enquiry, (2) to deliver the bodies of the deceased to the relatives concerned as far as practicable, failing that to different social service organisations, and (3) to institute a judicial enquiry by a Committee to be composed of officials and non-officials "

Mr. President : Resolution moved ·

" This Assembly recommends to the Governor General in Council that steps be taken in all cases of Railway accidents entailing loss of human lives (1) to institute a Coroner's enquiry, (2) to deliver the bodies of the deceased to the relatives concerned as far as practicable, failing that to different social service organisations, and (3) to institute a judicial enquiry by a Committee to be composed of officials and non-officials."

The Assembly then adjourned till Eleven of the Clock on Thursday, the 17th July, 1930

LEGISLATIVE ASSEMBLY DEBATES

THURSDAY, 17th JULY, 1930

Vol. IV—No. 9

OFFICIAL REPORT

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SIMLA
GOVERNMENT OF INDIA PRESS
1930

Price Five Annas.

LEGISLATIVE ASSEMBLY.

Thursday, 17th July, 1930

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair

SHORT NOTICE QUESTIONS AND ANSWERS

TREATMENT RECEIVED BY TWO CONGRESS VOLUNTEERS FROM THE POLICE IN SIMLA

Rai Bahadur Lala Panna Lal (1) Are Government aware

(*a*) that on the 13th July, in the afternoon, two European police officers on duty on the Simla Mall accosted two Congress Volunteers, who were dressed in Congress volunteers' clean dress, and who were informing the public about a lecture to be held in the evening by Lala Duni Chand of Ambala in the Ganj ,

(*b*) that the said volunteers replied that they were doing their duty in quite a peaceful manner and that as peaceful citizens of Simla they had every right to walk on the Mall ,

(*c*) that thereupon the said European police officers, one of them named Mr Webber, pushed violently or rather threw one volunteer over the other, and that, as a result both of these volunteers were thrown off into Alley No 6 causing serious injuries to both ,

(*d*) that as a result of this one of the volunteers is in a precarious condition ,

(*e*) that the above-mentioned conduct of the said police officers has agitated the public mind to a great extent and people in hundreds had gathered at the scene of occurrence , and

(*f*) that the aforesaid event has given birth to a serious political agitation in Simla ?

(2) Will Government please state under what and whose orders the said European police officers stopped the above-mentioned two volunteers from peacefully walking on the Mall ?

(3) In case the said police officers had no such orders, will Government state what legal power they had to stop these volunteers from walking on the Mall ?

(4) Will Government state what empowered the said police officers to beat the said volunteers ?

(5) Are Government prepared to institute a sifting inquiry into this accident and the action on the part of the said police officers ?

(6) (*a*) Have Government inquired about the condition of the said two volunteers ,

(*b*) Will Government state what compensation they are prepared to make to the said volunteers , and

(*c*) Are Government aware that Mr Nand Lal Dictator of the Simla Congress, who came and helped to take away the injured volunteers, was also beaten by the police ?

The Honourable Mr H. G. Haig : (1) I am informed that the two volunteers, accompanied by about 25 or 30 other persons, were making a noise and collecting a crowd on the Mall, when a Police Sergeant asked them to desist or to leave the Mall They refused to do so and the police removed them first to the Middle and later, owing to further obstruction to the Lower Bazaar The volunteers resisted and it was necessary to use some force It is denied that unnecessary force was used or that more than trivial injury was caused to them The District Magistrate had inquiries made on the evening of the 15th instant by a Magistrate, who saw the volunteers in company with the doctor who had attended them The pulse of both was normal and the doctor stated that neither of them was in a precarious or dangerous state They both refused to be examined by the Assistant Surgeon and they have not gone to hospital for treatment

(2) and (3) Under the Police Act of 1861, it is the duty of the police to keep order in the public streets

(4) It is denied that the volunteers were beaten

(5) and (6) The matter is one for the Local Government, to whom the questions of the Honourable Member and the replies given thereto will be communicated I am informed that Mr Nand Lal was not beaten

Mr. Gaya Prasad Singh : Sir, are Government aware that this assault was seen by the gentleman who has put the question, and also by another Honourable Member of this House ? On what authority do Government state that the assault is denied ?

The Honourable Mr H G. Haig : My information is derived from the district authorities

Mr. K C Neogy : Were the district authorities present on the spot and were they eye-witnesses ?

The Honourable Mr. H G Haig : I really cannot say

Mr Gaya Prasad Singh : May I know who was the doctor who accompanied the gentleman and who examined the volunteers ?

The Honourable Mr H. G. Haig : I think his name was Dr. Mukand

Mr Gaya Prasad Singh : Are Government aware that I hold in my hand in original a certificate which was given by Dr Mukand Lal, M B, B S, dated the 14th July, 1930, with regard to the condition of one of the volunteers to whom reference has been made in the reply. He states as follows .

" I examined

The Honourable Mr H G Haig . Which volunteer ?

Mr Gaya Prasad Singh I am telling you

" I examined Mr Sukhu Ram at 8 45 P M in the Congress Office, and found him lying unconscious , his pulse was very rapid and thready which could not be counted, all his body was cold, pupils dilated, and condition was grave He was suffering from breathlessness too, and symptoms of heart failure were evident "

Is he not the same gentleman ?

The Honourable Mr. H G Haig . The inquiry by the Magistrate was on the 15th July, by which time apparently Mr Sukhu Ram had recovered

Mr President : Rai Bahadur Panna Lal

Mr Gaya Prasad Singh I wanted to ask another supplementary question on such an important matter

Mr President : You never got up , I never stop any supplementary questions

Mr. Gaya Prasad Singh : Will Government kindly state whether the District Magistrate of Simla visited the two volunteers ?

The Honourable Mr H G Haig Not the District Magistrate , he deputed another Magistrate

Mr Gaya Prasad Singh . What is his name ?

The Honourable Mr H G Haig . That I cannot say

Mr. Gaya Prasad Singh : Will Government kindly state as to whether any Magistrate or any other responsible officer of the Government was present at the time when these assaults took place ?

The Honourable Mr H G. Haig : I believe not, Sir

Mr D K. Lahiri Chaudhury . Is not the statement of Honourable Members of this House, who were eye witnesses of the occurrence, sufficient ?

An Honourable Member : Who were they ?

The Honourable Mr H G Haig. I am not aware that any statement has been made by Members of this House

Mr. Gaya Prasad Singh : The Honourable Member putting this question was present on the spot and he himself witnessed the occurrence, and also another Honourable Member

An Honourable Member : What is his name ?

Mr. Gaya Prasad Singh : Mr Nehal Singh

Mr D K Lahiri Chaudhury : May I ask again whether Government have any reason to disbelieve the statement of Honourable Members of this House, who were eye-witnesses of the occurrence and who put these questions ?

The Honourable Mr H G. Haig . No statement, as far as I am aware, has been made by any Member of the House Certain questions have been put and they have been answered

Mr Gaya Prasad Singh : Is it not a fact that these two Honourable Members of this House, Mr Nehal Singh and Rai Bahadur Panna Lal, have stated that they themselves saw these volunteers being beaten and thrown down ?

The Honourable Mr H G Haig : I am unaware of any such statement, Sir

Mr K C Neogy : May I request you, Sir, to ask the Honourable Member who has put these questions to state as to whether these questions are framed on the basis of anything that he saw personally ?

Rai Bahadur Lala Panna Lal We saw these incidents ourselves personally There were also some other Members of this House present with us, and these questions have been framed on the basis of what we witnessed ourselves We saw all the incidents with our own eyes and then framed these questions

Mr Nehal Singh . I also saw it with my own eyes

The Honourable Mr H G Haig : I hope, Sir, the Honourable Member will bring his information to the knowledge of the district authorities

Mr K C. Neogy : He has done so in his questions

Mr President . That is not a question

ACTION AGAINST CONGRESS VOLUNTEERS WALKING ON THE MALL, SIMLA

Rai Bahadur Lala Panna Lal : (1) Are Government aware

(*a*) that four batches of volunteers walked on the Mall on the evening of the 14th July, 1930 ,

(*b*) that the police on duty on the Mall on the 14th, among whom there were one Mr Shahzada, Sub-Inspector of Police, and one European Sergeant, abused the volunteers who walked peacefully on the Mall, using very filthy language and even knocked the heads of the volunteers together ,

(*c*) that after being abused the volunteers were arrested or taken into custody by the police ,

(*d*) that after being arrested or being taken into custody the police officers asked the police constables there to beat the volunteers

(*e*) that the police constables so addressed hesitated to do so, because the volunteers were quite peaceful, sober, and within the bounds of law ,

(*f*) that as a result of this hesitation on the part of these constables to beat lawful and peaceful volunteers, the constables were abused in their turn by the police officers ,

(*g*) that as a result of this abuse meted out to constables there were murmurs of discontent and displeasure among these constables ;

(*h*) that the police officers seeing this discontent and displeasure among the constables took them off from their duty on the Mall , and

(*i*) that at this stage the Treasury Officer arrived on the scene and said to the police that as section 144 did not apply to that place, they were not acting within the law when they prevented the volunteers from walking on the Mall, and that the said officer then caused the volunteers to be let off ?

(2) Will Government please state

(*a*) under what and whose orders were the said volunteers stopped from walking on the Mall on the 14th instant and then arrested and taken into custody , and

(*b*) under what legal procedure the volunteers were then let off ?

The Honourable Mr H. G Haig . (1) (*a*) I am informed that three parties of volunteers at different times on the evening of the 14th July attempted to make a demonstration on the Mall The first party when asked to leave refused to do so and sat down on the ground They were removed by the police The second party were stopped at an entrance to the Mall and induced to return to the Middle Bazar The third party, which was joined by members of the first party, were induced to leave by a Congress worker

(*b*) The volunteers were not abused nor were their heads knocked together

(*c*) They were not arrested or taken into custody

(*d*), (*e*), (*f*), (*g*), (*h*) The suggestions are without foundation

(*i*) The facts are as stated in (*a*) above No question of the application of section 144, Criminal Procedure Code, arose

2 (*a*) The volunteers were stopped from creating a demonstration on the Mall, because they collected a crowd and there was interference with traffic The police acted in accordance with the duty imposed on them by the Police Act

(*b*) Does not arise.

Mr Gaya Prasad Singh : Are Government aware that Mr K V. Rangaswami Ayyangar, a Member of this House, actually saw the incident, I mean the heads of the two volunteers were knocked together ?

The Honourable Mr H G Haig : No, Sir , I am not aware of that

Mr. Gaya Prasad Singh : Will Government kindly give the sources of information on which their reply to this question is based ?

The Honourable Mr. H. G Haig : It has been received from the district authorities at short notice

Mr Gaya Prasad Singh : Will Government kindly state the sort of demonstrations which these volunteers are alleged to have been making on the Mall ?

The Honourable Mr H G Haig : I understand that they were collecting a crowd there

Mr Gaya Prasad Singh : Do Government realise that the volunteers are not responsible for the crowd which might be walking up and down the Mall ?

The Honourable Mr H G Haig : I do not suppose a crowd collects without any inducement

Mr Gaya Prasad Singh : May I know, Sir, what is the nature of the inducement offered ?

Mr K C Neogy : The assaults committed on them

The Honourable Mr H G Haig That I cannot say

Mr K C Neogy Is the Honourable Member aware that he is bringing disgrace upon Government by giving such replies to serious questions

The Honourable Mr H G. Haig . No, Sir , I am not aware I do not know what the Honourable Member means

Mr K C Neogy : I mean what I say

Mr Gaya Prasad Singh : Are Government aware that, on the 14th instant, when four or five volunteers were going up the Mall in the evening, they were prevented by the police from going further than the shop of Cotton, Morris and Company on the Mall, towards Chota Simla, and this was witnessed by many Members of the Assembly ?

The Honourable Mr. H G. Haig : I have no information about that, Sir

Mr Gaya Prasad Singh . Is the Honourable Member prepared to take it from me that this incident was witnessed not only by myself but by my Honourable friends, Mr Raju, Mr S P Sahi Mr Reddi, and others ?

Mr President : This is not a question This is supplying information

Mr Gaya Prasad Singh : I am putting it in the form of a question, Sir

Mr. President : It does not make a question

Mr. Gaya Prasad Singh Are Government aware that these incidents

The Honourable Mr H G Haig : I am perfectly prepared to take it from the Honourable Member that he witnessed certain incidents.

Mr Abdul Haye Do Government really believe that the information supplied to them by the district officers is correct ?

Mr K C Neogy : Gospel

The Honourable Mr H. G. Haig : Yes, Sir

Mr. K C Neogy I merely added that they consider it to be gospel

Mr. Gaya Prasad Singh . May I know, Sir, under what law these volunteers were prevented from proceeding on the Mall ? I myself saw the incident

Mr President . This is not a question

Mr Gaya Prasad Singh : If you are going to be so strict in this manner, Sir, I do not want to proceed further

Mr. President : Mr Gaya Prasad Singh

Mr Gaya Prasad Singh : I asked my friend to tell me under what law these volunteers were prevented from proceeding on the Mall towards Chota Simla

The Honourable Mr H G Haig : The action taken by the police, I understand, was taken under the Police Act, which enjoins on the police the duty of keeping order on public roads and preventing obstruction to traffic

Mr. Gaya Prasad Singh : Are Government aware that these volunteers were proceeding in a perfectly orderly manner and they were making no sort of demonstration or causing obstruction to traffic ?

The Honourable Mr H G. Haig : No, Sir , I have no definite information about that I understand that the Honourable Member is referring to some incident different to the one on which I am attempting to answer questions

Is the Honourable Member referring to the same volunteers as are referred to in this question ?

Mr. Gaya Prasad Singh : I do not know whether they are the same but that does not alter the nature of the question I am asking about the policy of the Government

Mr President : The question is about particular volunteers, and Government cannot be expected to have information about all the volunteers that were on the Mall in Simla

Mr Gaya Prasad Singh : My question is whether the Government of India or the local authorities concerned have issued any instructions to the police with reference to the way in which traffic should be regulated and the way in which the volunteers should be dealt with on the Mall

The Honourable Mr H G Haig : It is not a matter for the Government of India to regulate traffic in Simla

Mr A H. Ghuznavi : Is the Honourable Member aware that there was a demonstration near the Assembly building the other day when the volunteers cried out, "*Assembly mén kon bolegâ ? Ullu bolegâ*" ("Who will speak in the Assembly ? Fools will speak") (Laughter)

Mr Gaya Prasad Singh : Is not that a correct description of many of the Members of this House ?

Mr. President : Order, order The Honourable Member must withdraw his remarks

Mr A. H Ghuznavi . I withdraw my remarks (Laughter)

Mr President : (To Mr Gaya Prasad Singh) The Honourable Member must withdraw his remarks

(*Cries of* "Withdraw")

Mr Gaya Prasad Singh : All right, Sir If you say that this description does not apply here, I am prepared to withdraw it

Mr President That will not do The Honourable Member must offer an unqualified withdrawal.

(*Cries of* "Withdraw")

Mr Gaya Prasad Singh . I will rather walk out of the House than make an unqualified withdrawal when I feel that the description is absolutely correct

Mr President : The Honourable Member is perfectly within his rights to take any action that he likes

Mr Gaya Prasad Singh : Thank you

(The Honourable Member then walked out of the Chamber)

Sir Cowasji Jehangir . Is it a fact that volunteers are not allowed to walk on the Mall ?

The Honourable Mr H G. Haig : No, Sir, as far as I know, provided they behave themselves in an ordinary and orderly manner

ACTION AGAINST CONGRESS VOLUNTEERS WALKING ON THE MALL, SIMLA.

Rai Bahadur Lala Panna Lal (*a*) Are Government aware that at about 6 o'clock in the evening on the 15th July, 1930, some volunteers again walked on the Mall, being accompanied by some Members of the Legislative Assembly ?

(*b*) Are Government aware that the volunteers shouted their slogans on the 15th and that they were not prevented from so doing, nor were they stopped or arrested by the police as on the previous day ?

(*c*) Will Government please state (*i*) under what legal action the peaceful volunteers were stopped from walking on the Mall on the 13th and the 14th , and

(*ii*) under what legal authority the volunteers were allowed to walk on the Mall on the 15th, and even to shout their slogans ?

The Honourable Mr H G Haig (*a*) Yes

(*b*) No action was taken because no crowd collected and there was no obstruction to traffic

(*c*) I would refer the Honourable Member to the answers given to the two previous questions, and to part (*b*) of this question

Mr President I understand that Mr Deputy President wants to put a short notice question and that the Honourable Member in charge has agreed to answer it Loss of Revenue caused by the Civil Disobedience Movement

Sir Hari Singh Gour (1) Will Government be pleased to state the deficit in the Central revenue, particularly Customs, during the last quarter (1st April to the end of June, 1930) as compared with the corresponding receipts in the corresponding part of last year and the estimate of receipts during the quarter in question, and

(2) How much of the deficit can be fairly ascribed to the civil disobedience movement ?

The Honourable Sir George Schuster (1) The figures of the Central Government's revenues under the various heads for the first quarter of the year will, I am afraid, not be available until a few days after the close of the Session I am, however, in a position to give figures relating to the gross Customs revenue These were 12 crores and 24 lakhs for the first quarter of 1929 and 12 crores and 26 lakhs for the first quarter of 1930, so that there is an apparent improvement of just about 2 lakhs These figures, however, do not correctly reflect the true position According to our budget anticipations, the recent changes in taxation should have resulted in an addition of about 1 crore and six lakhs to our Customs revenue in the first quarter of the current year As against this, the receipts of the first quarter of 1929 were swollen by about 50 lakhs on account of throw forward from the previous year Balancing these two factors, it may be said that there has been a deterioration in the gross Customs revenue to the extent of about half a crore

(2) As the Honourable Member is aware, the course of trade does not necessarily follow any fixed arithmetical rule month by month, and it is difficult to hazard any opinion as to how much of the loss can be ascribed to the civil disobedience movement, although it seems not improbable that the entire loss can be so ascribed I would point out that it cannot be taken that, up to the end of June, the full effects of the movement on trade had yet been felt I would further point out that the most serious reactions of this movement are really the destruction of confidence and the paralysation of internal trade , and that according to my general information, the effects on Indian business are likely to be considerably more disastrous than those on Government revenues

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STATEMENTS LAID ON THE TABLE

Appearance of Counsel in the Court of the Revenue Commissioner, North West Frontier Province

Sir Frank Noyce (Secretary, Department of Education, Health and Lands) Sir, I lay on the table the information promised in reply to starred question No 516, asked by the Honourable Maulvi Muhammad

Yakub on the 12th March, 1930, regarding the appearance of Counsel in the Court of the Revenue Commissioner, North West Frontier Province

(*a*) Without a lengthy search through the records, it is impossible to say in how many instances parties have in the past been allowed to be represented by counsel in cases heard by the Revenue Commissioner on appeal or in revision The answer to the last part of the question is in the negative

(*b*) (i) Figures for the last three years are not readily available But permission was last year accorded in 43 cases and refused in 18 Of the latter, four related to proceedings under the Land Alienation Act, section 20 of which expressly forbids the appearance of legal practitioners, two related to applications in which no appeal was found to lie, and three involved no point of law

(*ii*) Permission was granted under section 38 of the Punjab Land Revenue Act

(*iii*) There has been no such deviation of practice

(*c*) In view of the answer to (*b*) (*iii*), this portion of the question does not arise

Convictions under the Salt Act

The Honourable Mr H. G Haig (Home Member) Sir, with reference to the information promised in my reply to starred question No 12, asked by Mr S C Mitra on the 14th instant, regarding convictions under the Salt Act, I lay a statement on the table

The figures for the Province of Bengal are not yet available

Statement showing the convictions under the Salt Act

Province	Total No of convictions during last 6 months	No of convictions in which sentences of fine only imposed	No of convictions in which sentences of imprisonment up to 6 months passed	No of convictions in which sentences of imprisonment over 6 months passed	Remarks
Madras	*553	25	289	203	Balance 36 dealt with under section 562, Criminal Procedure Code and on executing bond for good behaviour
Bombay	417	55	267	95	
Bengal	(Figures not yet available)				
United Provinces	†437	1	374	62	
Punjab	2		2		
Burma¶	90	80	2		¶ No information is available regarding the balance of 8 cases
Bihar and Orissa	‡379	16	300	63§	
Central Provinces					
Assam					
Delhi	16		16		
N W F P					
Coorg					

* 103 out of this were convictions under the Salt Act coupled with penal code

† Includes convictions under 117 I P C also

‡ Excluding 14 granted pardon after conviction and including 14 under section 117

§ Including 14 convicted under section 117 I P C

Mr President The House will now resume discussion on the Resolution moved by Mr Ghuznavi last evening

Mr A H Ghuznavi (Dacca Division Muhammadan Rural) The Resolution that I moved last evening recommends to the Governor General in Council, (1) to institute a Coroner's enquiry, (2) to deliver the bodies of the deceased to the relative concerned, and (3) to institute a judicial enquiry by a Committee to be composed of officials and non-officials

Sir, I cannot conceive of any reason why in cases of railway accidents entailing loss of lives, there should not be a Coroner's enquiry, and why the dead bodies should not be delivered to the relatives of the deceased and a judicial enquiry held when this procedure has been adopted so far as Calcutta and Bombay are concerned In these cities, as soon as an accident of this nature takes place a Coroner's enquiry is held, and the body, after being viewed by the Coroner, is delivered to the relatives, and a judicial enquiry is held

Sir, railway accidents entailing loss of human lives are now becoming almost a monthly occurrence With all the precautions, with all the interlocking system, with all the modern discoveries to prevent them, hardly a month passes when we do not hear of some railway accident with an appalling death roll Then, Sir, the canard that follows in the Press, the harrowing tales of the sufferings of the victims, the diverse versions of the casualties are all apt to make an impression on the public mind, which the communiqué of the railway authorities can hardly remove It is only natural that the railways, being an interested party, inasmuch as they may be liable for damages for the dead and the wounded, should keep the number down, and, therefore, their version of the casualties is hardly believed by the public at large Speaking from my personal experience, I can say that the version of the passengers travelling by these ill-fated trains is often at variance with that of the railway concerned I refer to the collision of the Dacca mail train with the goods train that took place in the year 1924 Sir, my brother was a passenger by the Darjeeling Mail and when that train did not arrive and the news of a collision without any particulars as to the scene of occurrence leaked out, I naturally became very anxious Several of my friends were also travelling from Dacca by that train On arrival of the various relief trains we came to know all about the accident It was discovered that the telegrams my brother and others had sent from a few stations on the line were withheld. It may be that the railway authorities withheld these communications lest they should create an alarm in the public mind. That, Sir, is no ground for withholding telegrams coming from passengers to their relatives informing them of their safety The telegrams of such accidents are very important to the relatives, and it was surprising that not a single telegram was received by the relatives till the railway version was published in the newspapers Sir, I spent that whole day at the station waiting to meet the passengers that the relief trains were carrying, and it was from them, Sir, that I had a lurid picture of the harrowing scenes and of the callous manner in which the victims were treated I can quite realise that in the perturbed state of their mind, the eye witnesses and the victims might have magnified the events, but it is equally true that the railway concerned, in their anxiety to safeguard their interest, painted it with their own brush and colour as far as compatible with the circumstances

Sir, the Belur train smash of 1928 is another instance in point—far graver and of far more disastrous consequences The accounts published

[Mr A H Ghuznavi]

in the now defunct *Forward* and the sensation caused at the time must be fresh in the memory of many of us in Bengal Sir, with your permission I will read a few passages from what *Forward* had published

"*Forward* publishes several letters which reveal a ghastly state of things in connection with the Belur train smash from some passengers of the ill fated train including a pleader of Burdwan

'A horrified spectator' writes to say 'that the train was going above 40 miles an hour In the dark night some people were running hither and thither, the dead were being thrown into a covered wagon one after another as quickly as possible I could plainly hear weeping and cries of pain and agony Accompanied with them, I could hear heavy thuds and blows being delivered and cries gradually diminishing'"

An Honourable Member Was not that found to be incorrect after judicial inquiry ?

Mr A H Ghuznavi I am coming to that That is why I want a judicial inquiry

The Honourable Sir George Rainy (Member for Commerce and Railways) I did not catch the name of the place where the accident took place

Mr. A H Ghuznavi : Belur Then he says

"I could hear the voice of an European '*Jaldi karo, mato osko*' Somebody on my left at a distance of 15 feet cried '*hai jal, hai jal, marta Babu*' A man came there and dealt heavy blows and the dying man spoke no more I crawled into the tall grass and watched the tragic drama"

The reason why I am reading this is that, if there is a judicial inquiry, all these stories would not be told There will be no opportunity to make these allegations in the Press I will read only one more passage and then close He says

"I am ready to prove to the public that more than 300 are dead and 30 per cent could have been saved if the relief train had not arrived and killed the dying"

Then, Sir, he says

"Immediately after the occurrence, we managed to escape to the field 20 cubits off the line Then there commenced merciless belabouring by railway men and we fled to the level crossing a few cubits behind the place of occurrence where actually at 3 o'clock in the morning coolies proclaimed to our hearing with shovels in their hands, 'Let us finish with those still alive'"

Sir, only in January there was another accident on the Moradabad section of the East Indian Railway entailing loss of lives It is within my knowledge that in this connection various reports had been sent to be published to the Indian news agency but they rightly or wrongly suppressed them and did not publish them. Various complaints had been made in that connection, but no inquiry was made This was again followed by another accident on the Bengal-Nagpur Railway which also resulted in loss of lives No less than six railway accidents have occurred in quick succession since January, 1930, entailing loss of lives. Only the other day, on the 10th of January, there was another accident in Madras in which, as a result, four passengers were injured seriously. It will thus be seen that railway disasters are not a rare thing to be passed over as quite beyond human control, but, as I say, effective steps

to reduce accidents, as far as possible, and particularly to remove the suspicion that has struck root in the public mind that the railway authorities only whitewash the events, should be taken Therefore, Sir, I think I have been able to bring home to this House the case for adopting the first portion of my Resolution, which recommends a Coroner's inquiry It may be urged that Coroners are found only in Presidency towns like Calcutta and Bombay, and that they cannot always be available at or near the scene of railway accidents, but, Sir, the mischief done by exaggerated accounts of railway accidents is so great that means should be found to provide for a Coroner's inquiry in every district and every sub-division where there is a railway The sinister effect on the public mind caused by the fulminations of the *Forward* with regard to the Belur accident was not easily removed, even after the High Court had held the letters of "A Horrified Spectator" to be false and fictitious The institution, Sir, of a Coroner's inquiry will reassure the public mind and will allay public anxiety and public suspicion which are generally aroused in every case of a railway accident and will lessen the chance of railway authorities being charged with holding a perfunctory inquiry So far, Sir, as I am aware, in almost every country a Coroner's inquiry is held in cases of railway accidents In almost every country other than India, when a railway accident takes place entailing loss of lives, a Coroner's inquiry is held The considerations therefore stated by me ought to outweigh all other considerations, and honorary and stipendiary Magistrates in every provincial town and sub-division should be empowered to discharge the duties and functions of Coroners That will remove, Sir, the difficulties that the railway authorities find in their way to have a Coroner's inquiry if an accident takes place not near to any of the cities of Bombay or Calcutta

Now, as to the second portion of my Resolution, I am sure no argument is necessary in support of my recommendation for the delivery of the bodies of the victims to their relatives, or, in the cases where they are unclaimed, for the delivery of the bodies to social service organisations Even apart from the fact that it is calculated to remove suspicion from the public mind as to the number of deaths, which the railway authorities are generally accused of suppressing, it will give the relatives of the victims concerned an opportunity of giving them a proper funeral and of assuaging their feelings Dictates of humanity have recommended this course to the jail authorities The jail authorities, even in the case of criminals dying in the jails, deliver the dead bodies to the relatives concerned, and therefore, Sir, there is no reason why the unfortunate relatives of the victims of railway accidents should be deprived of the consolation of performing their last funeral rites

Then, Sir, I have recommended a judicial inquiry by a committee to be composed of officials and non-officials The House is aware that the public are not satisfied with the present practice of the railway officials holding an inquiry assisted by the Government Inspector only It may be argued why should I ask for two inquiries of the same nature, as the Coroner's inquiry is a kind of judicial inquiry I can see from the Coroners Act that it is a judicial inquiry But my reply to that is that the second judical inquiry is necessary in order to bring conviction to the public mind that there can be no room for doubt that a fair and exhaustive inquiry had been made, and this inquiry is meant to

[Mr A H Ghuznavi]

replace the one I have just mentioned Then, Sir, holding the judicial inquiry, the Magistrate should empanel a jury consisting of a certain number of railway men and other officials and also a few non-officials commanding the respect and confidence of the public Such an inquiry has a very great value of its own, Sir, and cannot fail to impress the public as being fair and impartial If there is any apprehension of the railway employees concerned in the accident being prejudiced in the event of their being sent up for trial, the inquiry may be held *in camera* and its proceedings need not be published

Sir, with these words I commend my Resolution to the acceptance of the House

Dr Nand Lal (West Punjab Non-Muhammadan) Sir, I agree with my learned friend, the author of this Resolution, that a number of railway accidents, which have occurred, have given birth to a great deal of sensation in some quarters My learned friend's criticism in regard to certain irregularities appears to be correct But I must say that he has allowed himself to magnify his case to a certain extent The Coroner's inquiry, as he himself has conceded, and has rightly conceded, is considered to be a judicial inquiry But the difficulty in his way is this, as he himself has admitted it, that we find these officials only in the Presidency towns and not everywhere else But these accidents cannot be controlled by human agency so that they may occur only in places which are within the jurisdiction of the Presidency towns It is impossible for any human being to do that Now, considering the weakness of his case, he suggests that the Coroners may be appointed in every district and in every important town I hope I have correctly understood him in this

Mr A H. Ghuznavi : I have suggested that stipendiary and honorary Magistrates may be permitted to hold such inquiries, not that the Coroners be appointed

Dr. Nand Lal . The suggestion is, if I have rightly followed the Honourable Member, that Coroners may be appointed and the system which he has suggested in regard to their appointment is this, that the Honorary Magistrates who are working now as such, may be empowered to act as Coroners This is his case I must submit, there are a number of flaws in it Supposing the accident takes place at a place which is far away from the district headquarters or from a big town and weather may be very hot, then there is a likelihood of the dead body getting rotten and some sort of obnoxious smell may begin to emanate from it by the time the Coroner may reach there

Mr. A H Ghuznavi : Is my Honourable friend aware that, even in Calcutta, sometimes it so happens that the Coroner does not see the dead body before 24 hours have elapsed ?

Dr Nand Lal : My learned friend is entitled to put questions and cross-questions and interjections, but this is not the method of debate , this is not the method of argument In fact, this shows the weakness of my learned friend's case (Laughter) If you have got some strength in your case, then have patience and hear me and try to challenge my

arguments That is the proper method Impatience sometimes betrays weakness

My learned friend has very ably enlightened me that my argument is not sound on the ground of distance and that ground appears to him to be a fallacious one When Inspectors or Sub-Inspectors or other police officers are requisitioned to be on the spot and hold an investigation or an inquiry, certainly they will be coming from some distant place My learned friend's argument centres round this point To meet this question, which unfortunately he has put to me in the shape of an interruption, I may tell him that if he is aware of the police administration and if he knows something about the executive management, then he will find that his question has no force There are *thanas* in every Tahsil and in every small place Those *thanas* are in charge of Sub-Inspectors There are Circle Inspectors, who are also easily available, without any loss of time

Mr A. H. Ghuznavi My Honourable friend must be aware that there are Honorary Magistrates practically in every village in India

Dr Nand Lal . I am sorry my learned friend's experience is quite different from that of mine

Dr A Suhrawardy (Burdwan and Presidency Divisions Muhammadan Rural) His experience is confined to Bengal and yours is limited to the North West Frontier Province

Dr. Nand Lal . I am not ignorant of the police arrangements in Bengal and of other places, because those arrangements are not in the air and they are not only in the head of my learned friend, but they are reduced to writing and there is a literature about them, and I can venture to say that I am aware of them It is wrong, I may say, that Honorary Magistrates are to be found in every village I think this is an untenable position which my learned friend has adopted If he will go into the statistics, he will find that at some important places there are Honorary Magistrates Apart from that question, the Honorary Magistrates have been located at places which are at a very great distance from the district headquarters or even sub-divisional headquarters Now, I hope my learned friend will acknowledge that I know something about Bengal

Now, Sir, coming to my point, that if the former part of the Resolution is accepted by this House, it will give rise to a number of difficulties and complications and the noble object, which is occupying the mind of my learned friend, will be frustrated His object appears to be undoubtedly a noble one, but he has not given his attention to the surrounding circumstances which will really defeat his honest object. Consequently, so far as the former part of this Resolution is concerned, I am not in agreement with him, because it will give rise to considerable difficulties Instead of achieving the object which he has at heart, my learned friend will be making the case worse for the poor injured man and the poor relations of those who are so injured, such as, his brothers, sisters or other remote relations

So far as the second part of his Resolution is concerned, I have great sympathy with it. I fully endorse the learned arguments of my brother, but I am sorry to say that he had no time to draft this Resolution

[Dr Nand Lal]

properly When I read his Resolution, I was very much surprised that so learned a gentleman, as he is, had allowed himself not to take precautions which are absolutely essential in a case like this The second part says: "to deliver the bodies of the deceased to the relatives concerned as far as practicable" No time is mentioned If the dead body is delivered after three months, will my learned friend feel satisfied? (Laughter) Then, again, he says, "as far as practicable"

Mr Muhammad Yamin Khan (United Provinces Nominated Non-Official) Urgency has got no relevancy

Dr Nand Lal I am reading my learned friend's Resolution I am not imagining any thing Had he given some time, his Resolution would have been of greater utility to the public The public would have thanked him and so would have I Even if this Resolution is passed, I do not think it will give to my learned friend's constituents that satisfaction for which he has taken up the cudgels But instead of doing great good to them, practically he is opening a door to some officials, against whom he was crying, so that they can do whatever they like, so far as the question of time is concerned

12 Noon

Mr A H Ghuznavi: My constituency in this matter is the whole of India and Burma

Dr Nand Lal: The Resolution, as it stands at present, is not of great use to the public, inclusive of the relations of the injured, wounded or dead persons So far as the last part of the Resolution is concerned, it similarly savours of a number of difficulties and weaknesses. My Honourable friend suggests that there should be a judicial inquiry composed of officials and non-officials He is not in favour of having railway officials on the inquiry The railway officials are very necessary, because so far as the technique is concerned and so far as the circumstances relating to the working of the railway are concerned, the railway officials are the best judges But my Honourable friend has got a serious complaint against them

Mr. A. H Ghuznavi: I want the railway officials also, railway officials, other officials and non-officials

Dr Nand Lal My Honourable friend has got ample opportunities to improve his statement and to improve his arguments. But my Honourable friend has not got the power to resist the temptation of interrupting me I have great respect for his learning, but I am sorry to say that he is not doing the right thing, so far as his inability to resist the temptation of obstructing others is concerned.

Now, Sir, there is also a flaw in it, so far as the latter part of the Resolution is concerned There is a flaw of serious character. So far as the railway officials are concerned, my Honourable friend has now enlightened us that he has no objection, that he has no complaint against them There may be some railway officials, who according to his view are directly responsible, so far as the question of injuries, so far as the question of accidents is concerned But he says some other persons, non-officials who have got no knowledge of technical matters, who do not know what is called a level crossing; who do not know what are the

rules and regulations, who have got no experience whatsoever of the working of the Railway Department, such men may be asked to put their heads together with these clever railway experts and come to a decision Now, Sir, I appeal to you to realise what will be the consequences These non-officials, who are utterly, or to some extent ignorant of all the rules and regulations and the working of the railways, will act as puppets, as dummies and as subservient to the opinion of the railway experts, who are equipped with experience and knowledge Those non-officials, I submit—this is my belief—will be subservient and they will say, "Yes" in a very slavish manner to everything the railway officials say, not having the courage to contradict them, not having the courage to discuss with them, not having the courage to tell them, "Here you are wrong, here you are not right, here your station master erred or your pointsman erred" Simply they will sit there as figure-heads, calling themselves non-officials This sort of constitution of a judicial tribunal, I am afraid, will not be of any avail to the public Why do I argue like that? I have got some reasons, but they may not be palatable to my Honourable friend, because they are against him But I am sure Honourable Members of this House will appreciate them It is only the railway officials that can understand the responsibility The railway officials do realise that they shall have to stand before the bar of the public for any accidents that may happen

Mr President I am afraid the Honourable Member has exhausted his time

Dr Nand Lal Thank you, Sir, I shall finish soon Therefore my submission is that, though I have got great sympathy with a certain part of the arguments that railway accidents are deplorable and are terrible, and in some cases the railways do not give over charge of the dead bodies at once, and a number of other difficulties crop up, and that the Railway Department are in some cases open to criticism, I have got sympathy with my Honourable friend's Resolution only to that extent, namely, that there must be some arrangement, but the remedy which he suggests, I am afraid, will not cure the disease, it will rather increase the complaints against the railways Therefore, I do not find my way to support this Resolution as it is worded, though I am in sympathy with the spirit of it, so far as the public are concerned

Dr Ziauddin Ahmad (United Provinces Southern Divisions Muhammadan Rural) Sir, I rise to support the Resolution, but I support it, as my Honourable friend Dr Nand Lal said, in substance, though not in words.

Dr Nand Lal: Thank you

Dr Ziauddin Ahmad: If we accept the substance of the Resolution, then my distinguished and learned friend, Dr Nand Lal, can suggest the necessary changes in the voluminous book which my Honourable friend Dr. Nand Lal has before him We are not just now concerned with the technique of law and I hope Dr Nand Lal will come forward to help us if we accept the principle underlying the Resolution. Here we have got hard facts and we ought to try to remedy the defects that may be found therein I can tell you one more definite instance of an accident, that is the one which happened near Bareilly about six months ago. It was a very bad accident. All kinds of rumours were afloat and

[Dr Ziauddin Ahmad]

some responsible persons came and told me that the Civil Surgeon of Bareilly went about and collected the tickets, so that persons might not be identified and no proof could be given of travelling by the same train The same responsible person continued to tell me that a large number of dead bodies were put in a train and those who were dying were killed actually and they were thrown into the river Ramganga, which was quite close These were the rumours afloat and believed even by responsible persons. It is also a common belief among the people that enquiries made by the railway officials are partial ones Now, with this state of affairs, is it not desirable that, in order to allay the suspicion of the public to pacify common opinion there should be some judicial enquiry ? The only way in which it can be done is that we should have a judicial enquiry along with departmental enquiry that immediately follows the accident I do not want to enter into the technicalities of law I frankly admit that, not being a lawyer, I cannot understand the difference between a Coroner's enquiry and a Magisterial enquiry I quite admit that we have not got Coroners in every town We have got Magistrates at every place and a Magisterial enquiry will be quite as good as an enquiry by a Coroner One thing was pointed out, that is, at some places there are no Coroners

Mr A H. Ghuznavi : Appoint the Magistrates as Coroners

Dr Ziauddin Ahmad . That is a matter of law I think it can be done if we admit the principle, that a Magisterial enquiry should be held If we accept the principle, then the other technicalities can be looked into and all the legal points can be overcome It was pointed out that it might take a long time to reach the exact place where the incident occurred We know that from the headquarters, nearly all the railway stations of the district are not very far, and I think, within two or three hours, one could reach every place situated on the railway line from the headquarters So it is not very difficult from the headquarters for the District Magistrate to send a properly qualified Magistrate to make immediate local enquiries on the spot This may be followed by judicial enquiry To my mind, Sir, these practical difficulties can be overcome The legal difficulties also can be overcome The intention of the Resolution is that along with a departmental enquiry, there should be instituted in each case a Magisterial and a judicial enquiry whenever an accident occurs I therefore submit that we ought to accept the Resolution

Mr B. Das (Orissa Division Non-Muhammadan) Sir, I have a good deal of sympathy with the object with which my Honourable friend, Mr Ghuznavi, has brought forward this Resolution I listened to him very carefully and I found that, like a doctor, he diagnosed the case very nicely, but his suggestion of the antidote is rather the wrong way The correct thing which my Honourable friend should have done was to ask the Honourable the Railway Member to amend the Railway Act. Today the railways happen to be State concerns. The Railway Act was passed in 1880, and since then, except for one or two amendments, no proper amendment has been made in the Act, in spite of pressure from the non-official side And as far as I understand the situation, various responsible special officers of the Railway Board are sitting over it and revising it still, and it may be that this House will have to wait till Doomsday

before that Act is revised I do not know if my Honourable friend the Railway Member, in his pressure of work, read the last Sundays' edition of the *Statesman* of Calcutta From the main leader there, I gather that the Railway Board circularised the different Chambers of Commerce to know certain views about the railway administration, and I was surprised to find that, on this occasion the *Statesman* acted as a real "Friend of India" I was very pleased at the comments which the *Statesman* made in reviewing the statement sent to Government by the South Indian Chamber of Commerce I have not seen the original text of the statement of the South Indian Chamber of Commerce, but the *Statesman* opined that the Railway Board was getting very antiquated and should be abolished, and that a Rates Tribunal should come into existence to control all the functions of the Railway Board, and even of the Railway Member, and it did suggest that the Railway Act should be revised at once to bring the Railways to their proper function The proper function of the Railways is that they are public carriers Today unfortunately, the railways being State concerns and guarded by State police, the police and the railways at times adopt the sacrosanct attitude which the Civil Services in the districts adopt If the Provincial Governments and the Central Government try to function properly in maintaining public justice, and do not lend their police services to the railways, then the incidents that were referred to by my Honourable friend, Mr Ghuznavi, would not recur I myself remember the incident that happened at Bhadrak in Orissa—the Bengal-Nagpur Railway accident in 1927 My Honourable friend Sir George Rainy was not at that time a Member of this House, but the Honourable Sir Charles Innes was then the Railway Member Although, in reply to a short notice question, Sir Charles Innes gave out that only 14 persons had died, the popular belief was that nearly 200 persons were killed in that railway smash at Bhadrak My Honourable friend Dr Ziauddin Ahmad has voiced also the same feeling There is a popular apprehension and I am sorry to say that I share in it—my Honourable friend Sir George Rainy may say that it is a misapprehension on the part of many of the public—the masses of the public believe that whenever there is a railway accident, the railway officials, with the help of the local Magistrates and the local police, form a cordon round the scene of the accident and they remove the dead or half-dead bodies, take them to their railway workshops and burn them in the furnaces, to save themselves from trial and discredit How far it is true I cannot say, and unless a non-official Member from this side becomes the Railway Member and knows the truth, I will not, in spite of the assertion of the Honourable Sir George Rainy and the Honourable Mr Parsons, believe that this sort of thing does not occur

These things do not happen in India only They happen also in England and on the Continent and also in America But in England public opinion exercises much more control on the Government, and the police there are friends of the people and not machines to maintain law and order. So while I have full sympathy with the object of my Honourable friend, Mr Ghuznavi, I think his suggestions will not result in any good either to those who will be dying or who are dead, or even to the general public The best thing is that the railways should be declared to be public carriers. At present they are State concerns and controlled by the State police, who try to work in the interest of the railways

[Mr B Das]

and save the honour of the Agent and higher officials of the railways, rather than save the interest and dignity of the public I do suggest that, if Government are thinking of accepting Mr Ghuznavi's recommendations, the proper attitude they should take up is something on the lines I have indicated

Mr Amar Nath Dutt (Burdwan Division Non-Muhammadan Rural) Sir, we are all thankful to the Honourable the Mover of this Resolution for bringing in a much needed Resolution We know that the Honourable Member knows as much as some of us of what happened during the last accident on the East Indian Railway I would like to refer to one aspect of the question, which brought about the extinction of one of the nationalist newspapers of the day Indeed that paper had been a thorn in the side of Government Sir, there was a damage suit with respect to that paper, and the result was that the paper was killed

Dr A Suhrawardy . Was it ?

Mr. Amar Nath Dutt : Yes

Dr A Suhrawardy It was reborn as the *Liberty*

Mr Amar Nath Dutt . You may say that it was reborn as the *Liberty* only if you believe in the transmigration of souls Be that as it may, we read in that paper several accounts of the accident which came to our knowledge within a day of the occurrence I happen to live within a few miles of the place of the occurrence Several fellow-members of the Bar were passengers in that train, and I have heard how they escaped They gave out their story, and at one time some of them were also threatened with prosecution , and I know that at least one of them, who happened to be related to a Government servant, had to retract what he said to a pressman All these things do not speak well of the Government They ought to invite all descriptions and accounts which may be available Some of them may be incorrect or exaggerated and some of them may even be false But you must face all these facts and make an inquiry and then if you think certain statements have been maliciously or falsely made, then of course you can have recourse to law , but do not terrorise those who honestly state what they have seen Certainly no good will come out of it and it will not redound to your credit

Sir, the Resolution is a very modest one, and I think it ought to have, and I hope it will have, the approval of the Honourable the Railway Member, for it does not ask anything more than that there should be a Coroner's inquiry It further asks that the dead bodies of persons should be handed over to their relatives You do not require the dead bodies of those men, unless you want to secrete, or unless you want to withhold from the public, the number of the dead—you do not want those dead bodies

Mr Arthur Moore (Bengal European) On a point of personal explanation May I ask the Honourable Member whether it is suggested that the stories published in the newspapers, suggesting that after the Belur accident the survivors were killed by the European members of the railway staff have any truth in them ?

Mr Amar Nath Dutt : I am not aware of the allegation which is referred to by my Honourable friend, Mr. Arthur Moore I only referred to such allegations as I had heard from some friends of my Bar and they

told me about some facts which appeared in the newspaper, *Forward*, because I had no occasion to inquire and I am not in a position to offer an opinion on the matters about which my friend asks He may know better than ourselves , and I hope and trust they did not act like that I think that will satisfy my friend

Mr Arthur Moore . No, Sir , it does not satisfy me

Mr Amar Nath Dutt · Now, Sir, you have heard from more than one Honourable Member that while rumours are generally afloat after these accidents that dead bodies are carried away, as it was done nearly half a century ago in that well known Poradah accident In the case of the recent accident we had several wild rumours—I cannot vouch for the correctness or falsehood of those rumours, but I had it from a relation of a very high official in the land that he himself saw several dead bodies I do not know whether he was giving me correct version Be that as it may if these dead bodies are given over to the relations and if a Coroner's inquiry is held, there will hardly be any room left for such wild rumours being circulated by mischievous people It will be a distinct gain to the Government and to the railway administration They ought to consider that , otherwise credulous people are generally apt to believe the stories which are circulated We know that human nature is everywhere the same , we know that the mischievous stories spun out from here are believed by the die-hards in England Sir, in the interests of the railway administration, we ought to try to find out how this state of affairs can be put a stop to, and my friend by his Resolution has asked the Government to devise means for that purpose

Lastly, he asks for a judicial inquiry by a committee composed of non-officials and officials In this matter my Honourable friend, Dr Ziauddin, was pleased to say that he was not a lawyer but still he asked for a Magisterial inquiry Those of us who have some experience of the Magistrates appointed and serving—with due deference to those who are present here if they will allow me to say it—know that it is the public opinion that they are men with an executive frame of mind rather than a judicial frame of mind and therefore a Magisterial inquiry will certainly serve no purpose. I know of another accident which occurred some years ago where a certain District Magistrate tried to minimise the loss as much as possible with the help of railway officials That is the mentality of the executive officers everywhere, and human nature is not otherwise in India More than that, Sir, my friend, if I heard him aright, was pleased to observe that the Magistrate, who often happens to be a member of the Indian Civil Service—though I am not much in love with that steel frame—will nominate some other subordinate Magistrate We know, Sir, to what class the subordinate Magistrates belong And here again I beg to apologise to all those members of the provincial services who may be present here , I do not mean anything against them personally, but it is the impression that they are subservient to the District Magistrate and the Government, and always try to do things which would be pleasing to their superiors This is the opinion not only of members of the Bar who practise before them, but also of the general public That is the way in which His Excellency Lord Irwin is being misled by his own subordinate officials , that is the way in which the advisers of His Excellency the Viceroy are being misled by their subordinates, and those subordinates also in their turn are misled by over-zealous subordinate officers under them In those circumstances, I think the best

[Mr Amar Nath Dutt]

course would be not to have a Magisterial inquiry, which will be worthless , but if you really want to have an inquiry, you must have an inquiry by people who have a judicial frame of mind and who are accustomed to sift evidence—I mean members of the Bar and members of the judicial service I hope the Honourable the Railway Member will have no objection to accepting this Resolution, and I shall be sorry if in his present place, he cannot shake the dust of that official life which he had a quarter of a century ago, from his feet, but I think he has risen very high now and can wipe off that dust, and I hope he will view this question with the same judicial spirit and calm judgment with which his utterances in this House are generally associated With these words, I beg to give my whole-hearted support to the Resolution of Mr Ghuznavi

The Honourable Sir George Rainy Sir, I did not intervene earlier in this debate, because I was anxious to ascertain, as far as I could, from the tenour of the speeches made what the general opinion in the House might be I may say at once that it is not possible for Government to accept the Resolution in the exact terms in which it has been drafted, but at the same time I have a good deal of sympathy with the underlying ideas, which I believe are in the mind of the Honourable the Mover and also in the minds of other Members of the House

Let me, in the first instance, in order to clear the ground, explain in a few words why Government could not accept the recommendation that, in every case of an accident on a railway entailing the loss of human life, they should institute a Coroner's inquiry The difficulty of course is obvious You cannot have a Coroner's inquiry unless there are Coroners, nor can you get round the difficulty merely by providing that Honorary or stipendiary Magistrates should discharge the duties of Coroners, because the procedure in a Coroner's Court, as I understand it, is by no means identical with the procedure in a Magisterial inquiry I do not think any Member of this House would seriously advocate that, purely for the purpose of inquiring into railway accidents, a system of Coroners should be established all over India Clearly, the arrangements made for judicial inquiries into railway accidents must be harmonised with the judicial system of the country, whatever that may be In the second place, I must refer to the third of the recommendations which the Resolution contains The proposal there is to institute a judicial inquiry by a Committee composed of officials and non-officials In the first place, I do not recollect any provision of law by which Committees are empowered to make judicial inquiries, although I daresay it might be possible to legislate to that effect But railway accidents, as has been pointed out, occur all over the country and in the most remote and unfrequented spots, and it might be very difficult to constitute a Committee on an occasion of that kind In the second place, is it intended that the Government should take compulsory powers to compel non-officials to serve on these Committees ? Supposing that no one came forward to serve on these Committees, how is the law to be complied with unless you have the same power of requiring, non-officials to serve, as the law already gives power to compel, members of the public to serve as jurors or as assessors ? That, I think, is a very real difficulty But there is another difficulty which goes even nearer to the heart of the matter Under the rules as they stand at present, every railway accident is inquired into from two sides In the first place, the Railway Administration naturally wishes

to ascertain what has been the cause of the accident so that it may be in a position to prevent similar accidents in future If the accident is a serious one, and in every case in which there has been a loss of life owing to an accident to a passenger train, the inquiry is held not by an officer of the Administration but by the Government Inspector Now in these inquiries the question of personal responsibility of members of the railway staff naturally has to be looked into , but the main and primary object of these inquiries is to ascertain whether there is any defect in the railway rules or in the railway arrangements generally which requires to be corrected in order to prevent similar occurrences in future On the other side, in every case there is always a police investigation, and under rule 20 of the Accident Rules, the District Magistrate can in any case either make an inquiry himself, or depute another Magistrate to make an inquiry That Magistrate's inquiry would, I take it, usually be directed to the point whether there were sufficient reasons for taking action under the criminal law against any one who might be responsible for the accident The point I want to make is this Whatever arrangements might be made for a judicial inquiry, or for an inquiry with which non-officials were associated, it is absolutely necessary that the Government of India, in the Railway Department, should receive from a railway expert a definite opinion as to the cause of the accident, and as to any measures that ought to be taken to prevent similar accidents Whatever other inquiry there may be, we must at least have an inquiry by a railway expert, because in a number of cases it is only a person who has got a very intimate and close knowledge of railway conditions and of railway working who can give an opinion that is worth having That is no reason why there should not be another inquiry, judicial and public, but I do not think that any advantage whatever can be gained from attempting to confuse the expert inquiry of the Government Inspector, which is largely made from a very technical point of view, with an inquiry of a much broader scope which might be held by a judicial authority with or without the assistance of non-officials.

So far, I have explained, Mr President, why Government are not in a position to accept the Resolution in the terms in which it is drafted, but personally I am in sympathy with the demand made that, when in serious cases there has been considerable loss of life, there should be an inquiry in which members of the public might participate The main reason why I have that feeling is that given by the Honourable the Mover that, if inquiries of that kind were held, it might do a good deal to prevent the dissemination of these wild and incredible rumours that frequently are repeated and believed in many parts of the country I have no doubt that it was for that reason that my Honourable friend, the Mover, referred to the stories that appeared in the newspapers at the time of the Belur accident, and if they are used for that purpose, I have not the smallest objection I think, however, it is a pity that my friend, Mr Amar Nath Dutt, once or twice rather suggested that the stories, which were widely believed, might be sometimes true I do not think that there is any advantage in repeating on hearsay stories which the Honourable Member has not himself investigated, because when charges of that kind are brought in the House, it is always on the understanding—and it is indeed, I think explicitly laid down in our Rules and Standing Orders—that the Honourable Member makes himself responsible for what is alleged

Now, Sir, this question whether non-officials might not be associated with Magisterial inquiries into railway accidents was considered in 1926,

[Sir George Ramy]

as a result of a debate in this House and of a suggestion made by Diwan Bahadur Rangachariar in the course of the debate It was referred to the Central Advisory Council for Railways, and that body, by a majority of, I think, 9 to 3 decided that it was not desirable or necessary to proceed with the matter further at that time But in view of what a number of speakers have said in the House to-day I have no objection to re-opening the question and seeing what can be done about it My Honourable friend, Mr B Das, said that the remedy required was an amendment of the Railway Act I do not think that the Railway Act could provide for the appointment of Coroners Such a provision would more appropriately find a place in some judicial statute, and not in an Act which is confined to railway matters The point really is this From the strictly railway point of view, what is necessary is that we should have our own expert railway inquiry, but if anything more than that is required, if it is desirable that there should be an inquiry by an outside judicial authority, the railways would raise not the smallest objection But it is not really for the Railway Department to decide that question, it falls very largely into the sphere of the Local Governments, because, after all, it is their officers who will have to make the enquiries Therefore, we cannot proceed until we have ascertained from the Local Governments whether, on their part, they think that it would be a good thing that the rules should be tightened up about judicial enquiries into railway accidents and about the association of non-officials with these enquiries The question would arise, supposing it were considered a good thing, whether the non-officials should sit as assessors with the Magistrate at an enquiry into a railway accident It is possible that this might be arranged without legislation by utilising the services of Honorary Magistrates as assessors, but it is quite possible that legislation may be required This is not certain and we must therefore ask Local Governments to tell us whether we ought to have compulsory powers to compel assessors to appear and sit, and what exactly their functions should be So far as I know there is no provision in the law for the association of assessors with Magistrates at purely preliminary judicial enquiries We should have to find out also whether the Local Governments think that as at present a discretion should be left to the District Magistrate, in a case where a railway accident is attended with loss of life, to decide whether there was to be an enquiry or not, or whether it should be made obligatory on him to order an enquiry in every case Obviously, Local Governments would have to take into account the possibility in particular areas of finding a Magistrate to make the enquiry at once, because usually, unless the enquiry is made pretty soon after the accident, it loses very much of its value What the Government of India are prepared to do is to refer two questions to the Local Governments, namely, (1) whether they think that there ought to be a judicial enquiry by a Magistrate in every case in which a railway accident is attended with loss of life, and (2) whether it is practicable and desirable to associate with the Magistrate un-officials as assessors The value of that to the Railway Administrations and to the Railway Department would be this, that it would do a good deal, if it is practical, to prevent the dissemination of quite untrue and most dangerous stories about railway accidents. We cannot proceed without the advice of Local Governments on these questions ; but it ought not to take very long to get it, and when we have got it, I shall place the matter before the

Central Advisory Council for Railways in order to hear what they think about it

Now, Sir, I have still to deal with clause (2) of the Resolution about the disposal of the dead bodies of persons killed in railway accidents I might explain here that the railway officers themselves have no control over the disposal of these dead bodies I understand that that is a matter which is looked after by the railway police who act in accordance with the Police Rules made by Provincial Governments I understand that in every case, where it is possible, the bodies are, in fact, made over to the relatives From the purely railway point of view, I see no objection at all, if the relatives cannot be found, to making the bodies over to charitable societies who are willing to undertake the task Indeed, in an accident which occurred not very long ago at Clutterbuckgang in the United Provinces, the bodies were, in fact, made over to the local Hindu and Muhammadan societies who offered to take charge of them and dispose of them by burial or by cremations as the case might be But here again it is for the Local Governments to issue orders and what I propose to do is to draw their attention to the suggestion which has been made, and to say that, so far as the Railway Department are concerned they have no objection at all to the procedure suggested in the Resolution

I think that very nearly concludes what I had to say on the subject I hope I have shown that Government are in complete sympathy with the ideas which underlie this Resolution and a though I cannot accept it in the precise form in which it appears in the paper, I am prepared to take action for a move forward in the direction in which the Honourable Member desires us to go Possibly after what I have said, he may see his way to withdraw his Resolution

Mr A H Ghuznavi . Having regard to what has fallen from my Honourable friend, I beg leave to withdraw the Resolution

The Resolution was by leave of the Assembly, withdrawn

Mr President The next Resolution* on the Agenda stands in the name of Mr Neogy, but as it has already been debated yesterday, it is now barred The House will take up the Resolution next after that on the Agenda, standing in the name of Mr M K Acharya

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RESOLUTION *RE* FORMULATION OF A SCHEME OF SELF-GOVERNMENT FOR INDIA AND RELEASE OF POLITICAL PRISONERS

Mr M K. Acharya (South Arcot *cum* Chingleput Non-Muhammadan Rural) I beg formally to move the Resolution that stands in my name and which runs as follows

"This Assembly recommends to the Governor General in Council (*a*) that he do take steps to persuade His Majesty's Government in England to recognise India's Right to evolve, as an integral part of the British Empire, what form of Responsible Government will be adapted to her needs and ideals , and to invite Indian leaders to formulate constructive proposals for devising a Scheme which will be immediately acceptable to the chief interests concerned, and be capable of self development , (*b*) that, with a view to create the necessary peaceful atmosphere, he be pleased to release Mahatma Gandhi, and other political prisoners not convicted of any acts of violence."

*This Assembly recommends to the Governor General in Council to publish all correspondence that has passed between the Government of India and the Government of Bengal in connection with the recent outbreak of lawlessness in the city of Dacca and its neighbourhood.

[Mr M K Acharya]

I am prepared to admit at the outset that this Resolution was drafted some days, some long days, before the Session commenced, and, therefore, the wording of the Resolution, technically speaking, I would myself consider as rather out of date But the chief points that are raised in this Resolution, all except one, I believe, are as live to-day as they were before, and on those points I would beg your leave to say a few words The central idea underlying the Resolution is this, that it is necessary for India's leaders to press India's claims to full responsible government upon His Majesty's Government in England, and it is necessary to do this with as united a voice as we possibly can afford to bring about The second point is this, that in order to do this, all of us must try to bring about a peaceful atmosphere, by all means in our power, including, I should certainly say, attempts to bring about the suspension of the civil disobedience movement And lastly, we should get, in order to accomplish all these things, the release of Mahatma Gandhi and other political prisoners, not convicted of acts of violence I would humbly urge that these three points are as pressing and as important to-day as they were at the time when this Resolution was sent Only the invitation to leaders to formulate constructive proposals has become out of date, inasmuch as a general invitation has been extended by His Excellency the Governor General

Some of us may not come back, and on this last day or almost the last day of the last Session of this Assembly, I would make a very earnest appeal to all my colleagues, elected as well as nominated—for I verily do believe that all are deeply interested in the service of the Motherland—that we may, when we come to the end of our labours, place on record what I consider the most important Resolution on a problem on which we have been engaged not only in this Session but probably during the past ten years I hope that this debate will be placed on record and will show how all of us, officials and non-officials alike, are anxious to bring about a peaceful atmosphere in the country, anxious to secure the co-operation of all parties and of all interests in order to press upon His Majesty's Government in England the rightful claims of India to what I call self-determination regarding full responsible government Sir, I hope I may be permitted to make another appeal as an old Member I hope to-day's thin attendance in this House is not indicative of any idea in the minds of Members that the subject matter of this Resolution is not very important Possibly it is only an indication that the unfortunate person who is to move that Resolution to-day is not a *persona grata* with the majority Perhaps it may be due, I do not know, to my uncouth beard, my uncouth accents and possibly to my uncouth manners I would not mind if I draw the latter inference, but I hope it is not the former—that the subject matter of the Resolution is not considered important That is what I am most concerned with Sir, I am a little surprised at not finding the leaders here, who ought to be more anxious than I am to secure a peaceful atmosphere in the country, to get the civil disobedience movement suspended and to see our revered Mahatma Gandhi and our equally revered Pandit Motilal out from the place where they are now unfortunately kept, coming forward to lead the band that will go and plead the cause of mother India before the Parliament of Great Britain or the leaders of Great Britain I am sorry, therefore, that to me, a humble Member of the House, has fallen this task. The subject matter is so important that it does not matter, even though the pleading comes out from the lips of babies Even though it falls from my

humble lips, I hope the appeal will carry weight The thing that we have to do is to bring together the leaders of all parties and all interests, and make a united demand upon the statesmen of England

Sir, with due deference to all that has been said in various places and by various authorities about the scope of the Round Table Conference, I am not directly concerned with the Round Table Conference today With due deference to all that has been declared, I think this House will be perfectly right in placing on record what it considers to be India's right, India's claim to responsible government I may remind even the Government Members that we have a claim for responsible government We are anxious to get Swaraj and I hope the Government Members will realise that we are not talking language which is altogether ridiculous or in any way objectionable We had the greatest authority we can think of to send us a message in language which proves that we certainly have good reason to hope that we shall be getting Swaraj one day I refer, Sir, to the historic message that was sent by His Most Gracious Majesty, the King Emperor, in 1921 through that great friend of India, His Royal Highness the Duke of Connaught That message said

"For years, it may be for generations, patriotic and loyal Indians have dreamed of Swaraj for their motherland Today (that is, in 1921), you have the beginnings of Swaraj within my Empire and widest scope and ample opportunity for progress to the liberty that my other Dominions enjoy"

Therefore, the Royal Message itself admitted our right to Swaraj, and hoped that very soon we would be getting that Swaraj which our immediate predecessors had dreamt about, and which I hope our immediate successors will live to realise Swaraj therefore is our birthright, India's birthright, and we have to acquire it The Royal Message in 1921 did not say, "Today you have the beginnings of the Progressive Realisation of Responsible Government in my Empire" The very fact that His Majesty did not use that particular phrase but another phrase, more hopeful, more cheering, more gracious, namely, the first day of Swaraj, affords ample proof that full responsible government is a matter which we have every right to demand. (At this stage Mr President vacated the Chair, which was taken by Mr Deputy President)

1 P M

Therefore, Sir, it appears to me that all these technicalities in which the Simon Commission's Report and other Reports have indulged—that we are bound by the Preamble of the Government of India Act and the Declaration of 1917, and that within the four corners of that Act alone it is possible for any immediate constitutional advance to be made—are pleas which, in the larger interests of the two countries, considered seriously by the larger minds of the two countries, should be brushed aside Therefore, I beg to urge that the best sons of India will have to go, or will have to bring pressure to bear—whether they go or not I do not mind—upon His Majesty's Government in England to recognize what I shall briefly call our right to self-determination—or if that word is considered offensive, I want only the substance and not the language—to recognize India's right to evolve, as I have put in my Resolution, as an integral part of the British Empire, what form of responsible government will be adapted to her needs and ideals The Reports of Committees and of Commissions might be of some use, but after all India has to evolve her own scheme of responsible government I do not believe it possible that any one country, however good-intentioned or great, can evolve for another country any scheme of responsible government for that

[Mr M K Acharya]

latter country All nations recognize this, and therefore it is for India in the long run—and I wish that this point was steadily kept in mind both by English as well as by Indian statesmen—that it is for India to evolve her own scheme of responsible government

However, all that I am concerned with now is that our best men must go to the Round Table Conference How are our best men to go ? I know His Excellency the Viceroy has been gracious enough to extend a very very kind invitation to the leaders of all parties to review the present situation All our best men, in a general way, have been invited I know , and that, Sir, is the reason why I bring up this Resolution today to find out ways and means by which we can pour oil on troubled waters and get our best men out I am sure there is nobody in this House, official or non-official, that wants the present situation to be prolonged I am of course not qualified to speak on behalf of the Government , but I hope on their behalf my Honourable friend over there will come forward and reassure us once more Of course His Excellency's words did already give that assurance, and I believe the Honourable Sir George Rainy's words also gave us that hope , but once more because the matter is so important, I submit that it should be restated, for the matter deserves repetition a hundred times I hope my Honourable friend opposite will come forward with an assurance to us once more that Government are also anxious that a peaceful atmosphere should be restored in the country, that the civil disobedience movement should be brought to a termination as soon as possible, and that the best minds of India and England should find out how best to evolve a satisfactory scheme of responsible government for India at once That, Sir, is my object in bringing forward this Resolution I do not want to go into any matters which will exasperate the feelings of anybody here After all, we are all human beings , I am willing to admit that we have made many mistakes on our side , but I venture to think the Government as well have made many mistakes on their side We are not however here for reckoning the mistakes made by officials or non-officials Let us forget the past let us look to the immediate future and let us see how our trusted leaders can come out, how the civil disobedience movement can be suspended and how a peaceful atmosphere can be created For all of us here can and should with our thoughts and words, unite in bringing pressure to bear upon the statesmen in England to recognize India's right to evolve what form of responsible government will be adapted to her needs and ideals That is the simple object and scope of my Resolution

I admit that my Resolution may appear badly worded at the present day after His Excellency's address to us and after the debate in this House on the Round Table Conference , and it appears to me that the amendment of my friend, Maulvi Mohammad Shafee Daoodi, brings out my point better I hope therefore when this amendment is placed before the House since the subject matter of that as well as of my Resolution is one and the same, I hope this House will see its way to support my Resolution in that amended wording In any case, I am conscious that I should not waste the time of the House in any way by referring to things that might be considered objectionable As I have already said, I am very anxious that, on this last day of the Session, I should get a certificate from my colleagues that I have behaved like a good boy and have not worn out their patience Therefore Sir, I wish only to make this very humble appeal to

my colleagues—not that they need it, but still in my anxiety and earnestness I am forced to say it—that we must all realize the seriousness of the situation. The points which are involved in my humble Resolution are not matters which can be taken lying down They are very pressing matters from the national standpoint , and I hope my non-official friends will all have had it already in their minds that, when they go to their constituencies, naturally the one question that will be asked by everyone will be, " What have you done to bring Gandhiji out of jail, what have you done to find a solution for the present tense conflict between the Government and the country ?" I wish that we should all be in a position to say that we have tried to prevail upon Government to see that steps are taken to end this unhappy state of things, this stalemate, that we have been pondering deeply over this matter, and that—and I hope I am speaking for all of us here—all of us feel that the civil disobedience movement has dragged on grievously and been carried on in a manner which is not very desirable, and that it must be ended at once on the national side Simultaneously, I should urge—even before its full termination—that Government can well afford to be very liberal in this matter, that the Government should do their own part, even a little in anticipation if possible, in order to bring about an immediate improvement in the situation I for one feel that the moment for terminating the civil disobedience movement has come That great storm in the mind of everybody in the country should terminate, that made any body during the past three or four months say that Government were blocking the way to any satisfactory constitutional advance There should be no more room for people continuing to think that there is no chance of any advance except by following Gandhiji's lead I believe now the more thoughtful minds in the country will realize that, as His Excellency said, a peaceful way has been opened through which we ought to be able to press our case for full responsible government For that we must have our best men out I am placed in the very delicate situation of having to bring pressure to bear on Government to do their part in a statesmanly spirit and not to delay any longer I hope very soon that the Congress leaders will realize that there has been a change in the environment, a change in the atmosphere during the past three months , and I am sure that when they come out and consider what was said by His Excellency to us the other day and what took place in this House during the debate on the Round Table Conference, and also consider the view which a good many leaders of the Moderate party and other groups have taken, which is very favourable to the pronouncements made by His Excellency , when they see all this, and also how much trouble, loss of property, even life have ensued to the country at large by their carrying on the civil disobedience movement, I hope that my great leader, Pandit Motilal Nehru and my great countryman Mahatma Gandhi will realize at once that the goal of India may be joined by peaceful methods of constitutional pressure , and, at any rate, that we must make one more very serious attempt to reach the goal through the constitutional path which now lies before us I have great expectations from them ; and hope that when these leaders come out they will follow a different course from the one which they launched, rightly or wrongly, five months ago

That is my hope and that is my prayer. I hope there will be a change in the atmosphere very soon After all, why have all these patriots gone to jail ? I humbly submit to the Government that they have the power to release them Let me remind the Government of the very old adage " It

[Mr M. K Acharya.]

is good to have a giant's power and not so good to use it like a giant" I beg of the Government to be not merely policemen but statesmen, and so I want the Government to release all these people from the jail I am quite ready to admit that in many cases Government had no option but to lock them up in jail But that is the technical or the legal aspect of their course What is the higher, psychological, moral aspect of the case? What is the psychology of the country? The case of every patriot who is sent to the jail, every case in which a non-violent Satyagrahi is convicted, goes deep into the hearts of the ordinary people in the streets That is how this movement has grown and gained popular support Every conviction has given weight and stress to the civil disobedience movement That is the dilemma in which I find myself, and probably many others in this House We cannot say that the Government are absolutely wrong if they send to jail those persons who openly defy the law On the other hand, all these convictions do cause greater dissatisfaction and greater discontent in the country, and everybody feels in his mind, whether he is a Satyagrahi or not, permit me to state it frankly, every body feels, for the moment at least, that the sooner he gets rid of this "Satanic" Government the better The ordinary man in the street says this this Government has locked up in jail all the noblest patriots of the country, it has locked up in jail many ladies even, it has locked up in jail Mahatma Gandhi He does not know the law nor does he care to know it What he is concerned with, what he resents is that Pandit Motilal Nehru, Mrs Naidu, Mahatma Gandhi and other leaders are in jail

Mr B Das (Orissa Division Non-Muhammadan) It is a sacrilege to say that Mahatma Gandhi has done any thing to be locked in the jail

Mr M K Acharya I did not hear my Honourable friend, but I would beg of him not to import any heat at all that might give rise to unpleasantness in this debate I wonder if I said anything to provoke my friend's temper I repeat, Sir, we must say nothing and do nothing which may make the position that is already bad, worse Therefore, if necessary, when I go out of this House and out of Simla next week, I shall fall on my bended knees before every old Congress friend and tell him "If you are angry with me personally, beat me, but for God's sake let us serve the best interests of the country to-day, let us find out the various means by which we can serve in the best constitutional manner possible the interests of our motherland You may give me half a dozen slaps on my cheeks, but for God's sake let us direct our attention to the ideal before us namely, how best to win freedom for mother India" The other day some girls abused me and told me "Oh, you are traitor. why do you go to the Assembly? Your duty is to go back to your home and say your prayers" I had a lot of mixed feelings in my mind when I heard this I admired them for their courage, I admired them for their frankness But I pitied them for not being wiser So I felt admiration for their courage, pity for their indiscretion, and even a little bit of anger because they obstructed me forcibly All these things were in my mind But I must take note of what people are saying They ask what we legislators are doing? The popular idea is that we are indifferent to the woes of our compatriots, that we are only seeking to fill as many seats as possible on the Round Table Conference I know this feeling is quite unjust in the minds of misguided youths I do not mind what they say, but what is the temper of the country to-day?

I respectfully submit, Sir, that the business of the statesman is not simply to enforce the law, but to discern what the temper of the country is, to find out what are the feelings of the great masses of the people, and to see how best to assuage them if they are employed against the best interests of the country That is my whole position Educated India's mind is revolting, bursting with impatience We must pacify it, and bring it into touch with the better mind of England And that in order to achieve our purpose, it is necessary, very necessary, to bring as much pressure to bear on the British Government as possible to make them recognise that India has a right to full self-determination or, if that word sounds harsh, to full responsible government That is our goal In order to achieve this goal, all of us must unite , all the leaders of India representing various interests must unite In order to do that again, a peaceful atmosphere, and the suspension of the civil disobedience movement and the release of Mahatma Gandhi and other political prisoners must be brought about After all, Sir, these political prisoners have not been convicted of any acts of violence On the other hand, they claim that they are working in the best interests of their country Sir, history tells us that liberty is won only after great sacrifices That is what I think the history of Great Britain itself teaches us In the old days of British civil war people were shot down In the days of Charles I, one or two leaders died in prison I do not remember their names There have been no martyrs of liberty in India, I hope , nobody has yet died in prison, I hope But I know there are some three to four thousand people in jail to-day They are in jails not because they have committed any robbery or theft or any other act involving moral turpitude, but because they feel they have not got that freedom for their country which they passionately desire to get Therefore, their higher ideals and their higher aspirations have got to be recognised

"Stone walls do not a prison make,
Nor iron bars a cage"

As I remarked before, it is no use talking to them in a technical way and saying "You invited all the penalties of the law upon yourselves, and we have obliged you by inflicting those penalties We have given you what you wanted You wanted to be sent to jail , we have sent you there You wanted to be fined, and we have fined you" These are, Sir, very very trivial technical words Therefore I do beg of this House upon this motion at least to take what may be called the broad statesman-like view of the question

Mr Deputy President : Order, order The Honourable Member has already exceeded his time limit

Mr M. K Acharya Sir, I now conclude my remarks I hope that this House will give to this Resolution the attention which it deserves I am not particular about the wording , the House may possibly prefer the amendment of my friend, Maulvi Mohammad Shafee Daoodi I only want that Honourable Members should bring to bear on the solution of the problem that I have placed before the House, all the statesmanship and all the deep thinking and all the patriotism that they are capable of bestowing upon it

***Mr. P. Venkatakrishnayya Chowdry** (Guntur *cum* Nellore Non-Muhammadan Rural) : Mr President, in rising to speak upon this Resolution, I do not propose to go into the details of the subject. It has been admitted on all hands that the Simon Report has fallen short of

*Speech not revised by the Honourable Member

[Mr P Venkatakrishnayya Chowdry]

India's legitimate expectations, every shade of political opinion, and every school of political thought has been seriously disappointed The question for our consideration is not whether the Simon recommendations are to be accepted as final, but the question is whether we can make them acceptable to all parties by discussing the Report and redrafting it at the London Conference I am anxious that India's case should not be allowed to go by default The time is critical This is a rare opportunity which should not be lost As has been said by various distinguished speakers, the Simon Report is one of the materials to be discussed at the Round Table Conference The claims of every community, the interests of every party, the views of all recognised and popular political organisations in the country ought to be pressed forward and recognised by the Round Table Conference The Report as it is is highly disappointing I am not grieved if reservation of seats for non-Brahmins in Madras has been taken away But I strongly protest against things like indirect elections to the Assembly, the nature of the composition of the Ministries in the provinces, and the powers of the Provincial Governors under the new scheme In the same way the powers of the Viceroy and the way in which he should form his Executive Council are matters which require a thorough scrutiny The long cherished ideal of Dominion Status should be recognised and provisions made for its steady and gradual realisation.

I am glad that the country is slowly recognising the importance of the London Conference The balance of opinion is largely in favour of settling India's claims before the Round Table Conference with the joint collaboration of the best statesmen of both the countries Therefore, it is highly incumbent upon the Government to meet Indians half-way and take into their confidence leaders who can speak to the British statesmen with authority and with a great volume of public opinion behind them. I insist upon the representative nature of the London Conference. Let the impartiality, fair play and the broad vision of English statesmanship rise to the height of the occasion and meet India's case for an honourable settlement India is anxious to be a proud partner on a footing of equality in the British Commonwealth of nations The fervent appeal made by the Viceroy the other day to leaders will be appreciated by every thinking Indian, and with equal force and with equally noble sentiments we are appealing to the British Parliament, through him, to recognise our legitimate political ambitions and help us to realise the same under the *aegis* of the British Raj

We have been inspired by the sublime political philosophy of a galaxy of political thinkers like Burke, Fox, Pitt and Montagu It is therefore but just and proper that we should ask for the same institutions of which you are proud and which you have conferred upon others In our concord lies our progress and happiness Therefore I make a fervent appeal to the Government here and in England to create an atmosphere of perfect mutual trust, goodwill, sympathy and heart-to-heart understanding in order that we might achieve success at the Round Table Conference to the glory and dignity both of England and India. On these grounds, I have great pleasure in supporting this Resolution.

***Rao Bahadur B. L Patil** (Bombay Southern Division . Non-Muhammadan Rural) Sir, to my mind, this Resolution as worded is

*Speech not revised by the Honourable Member.

in very moderate terms. I am going to be very brief in my remarks on this Resolution The whole question before us is whether it is necessary or whether it is not necessary to make the delegation to the Round Table Conference as fully representative as it is possible Many a speaker on the floor of this House has already said, that unless the delegation is going to be made as fully representative as it is possible, the success of the delegation and the success of the Round Table Conference is likely to be jeopardised Then, if that is the case, with whom does it lie to make it a success ? It has been said by Honourable Members on the opposite side that it lies with the people who have started the non-co-operation movement But I want to draw the attention of the Honourable Members and the Government to this, that in the Leaders' Memorandum it has been stated that both the Government of India, and the people who are carrying on the movement in this country, should act simultaneously. I do not want to deal with the first part of the Resolution in detail. That is an admitted fact

Then, with regard to the latter part of the Resolution, what I beg to submit to the House is that the Government are not asked to do any great thing We see so many cases in which persons sentenced for heinous offences have been released for certain reasons We see such things being done, namely, persons being released on occasions like the Coronation day and His Majesty's birthday, and also the ordinary law of the country provides for the release of such offenders Therefore, in my opinion, the Government will not be doing any very great thing It is quite in the ordinary course of things and it will be done They must take into consideration the unique situation that has arisen in the country. Then, Sir, as I said, the Resolution as worded, is in very modest terms. After all, what does the Resolution say ? Persons who are convicted only for technical offences and on technical grounds in which no violence is involved, such persons should be released, including Mahatma Gandhi Therefore, Sir, for the reasons that I have stated, it is of the utmost importance that the Government of India should pay the attention to it that the importance of the question deserves The Government of India also is fed up with the repressive form of government Looking to the importance of the time, I should like to submit they must be prepared to come down a little from the heights of Simla and pay attention to the persons now rotting in jails, to the persons in whose hands it lies to make the Round Table Conference a success With these words, I heartily support this Resolution before the House

The Assembly then adjourned for Lunch till Twenty Minutes to Three of the Clock

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The Assembly re-assembled after Lunch at Twenty Minutes to Three of the Clock, Mr President in the Chair

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Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran Non-Muhammadan) Sir, I am sorry that there was a slight misunderstanding this morning I never meant to say anything which might be regarded as an affront to this House or to the Chair , and if anything has escaped my lips which might be construed as hurting the feelings of any Honourable Member or the Chair, I need hardly say that I owe it to myself and no less to the House to withdraw the same (Cheers)

Mr President Nobody was more sorry than myself for this morning's incident We have known Mr Gaya Prasad Singh for a very long time and we know that he has got a very humorous temperament I think that in the heat of the moment he probably did not realise the implication of his words I am very glad that he has come back, expressed his regret, and withdrawn his words The incident is now closed. (Cheers)

Mr. President . There are certain amendments on this Resolution and I think it will be better if I allow all the amendments to be moved first and then the whole Resolution with the amendments will be in possession of the House and Honourable Members will be able to speak more thoroughly The first amendment on the agenda stands in the name of Rao Bahadur D R Patil

Rao Bahadur D R. Patil (Bombay Central Division Non-Muhammadan Rural) Sir, I rise to move the amendment which stands in my name

" That for the original Resolution the following be substituted

' This Assembly recommends to the Governor General in Council to persuade His Majesty's Government in England to invite an adequate number of persons representing various interests, with due prominence to rural interests, to formulate such a constitutional scheme as to protect the various interests and that he be pleased to release Mahatma Gandhi and other political prisoners not convicted of acts of violence ' "

Mr President, it is a well known fact that our Viceroy, Lord Irwin, very sympathetically did his best to bring about the Round Table Conference only with the object of advancing the cause of India So in this connection I am sure that his name will be written in golden letters in the pages of history I would like to submit that it is the desire of all the sections of the people of India that the Indian constitution should be framed in such a way as will satisfy the various claims of the various interests, and so it is but natural that, for the purpose of formulating such a constitutional scheme, there ought to be an adequate representation of various interests with due prominence to rural interests, inasmuch as the agricultural classes form a bulk of this country and they contribute a large portion of revenue to the Indian Exchequer

The Round Table Conference is really a golden opportunity that is afforded to us by the great efforts of our sympathetic Viceroy, and we must now avail ourselves of that opportunity and utilise it to the fullest extent. The duty that falls upon India now is to be united in her demands England has afforded an unique opportunity to us to place the case of India before her Is it not proper that all the various interests of India should now come to a common understanding and frame such a constitution as will be acceptable to all the sections of the people ? Sir, if we fail to do that and are not united in our demands we shall have to thank ourselves In order to avoid such a position it is the bounden duty of all the sections of the people of India to follow a policy of co-operation and harmony and act in a spirit of goodwill, and frame a constitution that will satisfy all. Let us do our duty and after we have done it, if Britain fails to accept our united demands, we can then say that she has no desire to transfer her powers into the hands of Indians Unless and until we do our duty, I do not think we shall be justified in blaming her in any way

Sir, it has been stated in the Simon Report that there are various castes creeds and religions in India What is the significance of that ? The significance is that we must compose our differences and come to a

common understanding in our political demands if we want to achieve our political advance The Statutory Commission have made such recommendations as they thought proper , that is gone , now there is another opportunity afforded by the Round Table Conference to Indians to place their case before the British Parliament If we lose this opportunity, and if we do not settle our differences, and if we are not united in our demands, I think the Round Table Conference will be a failure.

Now, Sir, I come to the last part of my amendment I hope the question of releasing Mahatma Gandhi and other political prisoners who are not convicted of violence will be taken up by Government I am sorry to observe that the movement of civil disobedience should have been started as it is a great handicap to the proper progress of the country and is sure to lead to chaos and disorder, But however that may be, our object is that all sections of the people of India should be united in their demands, and it is but natural that an important factor, namely, the Congress side ought to be represented at the Round Table Conference. How to achieve that object ? We can achieve that object only when these political prisoners, especially Mahatma Gandhi and other great men are released , and unless and until they are released, how can they represent the cause of the Congress at the Round Table Conference ? Sir, the time has come when there should be a compromise between the Government and the Congress leaders Attempts, I believe, are being made to effect a compromise, so that the Government will be inclined to release political prisoners and afford them an opportunity to represent the case of the Congress at the Round Table Conference May those attempts be successful I hope the day will soon come when wiser counsels will prevail and the civil disobedience movement will be withdrawn and the Government will be pleased to release all these political prisoners just to ease the present political situation and thus in a way allow an opportunity to the Congress section to represent their case at the Round Table Conference With these words, Sir, I move this amendment

Mr President . The next amendment on the agenda is in the name of Mr N G Ranga

Mr. N. G. Ranga (East Godavari and West Godavari *cum* Kistna Non-Muhammadan Rural) Mr President, my amendment runs as follows

" That for the original Resolution the following be substituted

' This Assembly recommends to the Governor General in Council that he should take all necessary steps to secure the co operation of and participation by Mahatma Gandhi and other representatives of the Congress in the Round Table Conference' "

A doubt has been raised by a friend of mine who is an Honourable Member of this House, whether according to the terms of my amendment it is intended that members of other parties should be excluded from the Round Table Conference Any one who reads the amendment carefully will be able to find out that it only means that in addition to the representatives of other political parties, the representatives of the Congress Party also should be invited and should be given their proper place at the Round Table Conference

Now, where is the necessity for taking so much trouble on the part of the Governor General in Council to try and invite and secure the co-operation and participation by Mahatma Gandhi and other representatives of the Congress at the Round Table Conference ? The

[Mr N G. Ranga]

House is quite familiar by now, after the two days' debates, with the idea that even if the representatives of the Congress are not prepared to go to the Round Table Conference and even if the Government are not in a position to take the necessary steps to secure the co-operation and assistance of Mahatma Gandhi and other representatives of the Congress, the Round Table Conference is going to be held and some leaders of this House and outside are quite prepared to go to the Round Table Conference. Under these circumstances, where is the necessity, one might ask, for a member like me to raise this particular point, that Mahatma Gandhi and other representatives of the Congress should be representives of the Congress should be represented and invited to the Round Table Conference ? In order to give an answer to these questions, it is necessary for us to inquire into the origins and objects of this Round Table Conference As my Honourable friend, Mr M K Acharya, said the other day, the idea of a Round Table Conference is not a new one , it was mooted years ago on the floor of this House and also outside in the country by the political leaders But luckily and happily India has had in His Excellency the Governor General, one of the best statesmen England has had the good fortune to send out to India and it was given to him to bring this particular idea of a Round Table Conference into the forefront of our national politics and also into the forefront of English politics It was he who announced, in his now famous statement, that India's future constitution was going to be worked out in a Round Table Conference which was going to be held in London, at which he hoped all the different political parties in India would be properly represented But why is it that it was not accepted by the Congressmen ? I have not accepted a brief on behalf of the Congressmen, but at the same time it is necessary for me, as well as Honourable Members of this House, to face the fact squarely The Congress was not prepared to accept this offer of His Excellency the Governor General just because it felt that, unless and until a clear assurance was given to the country that the Round Table Conference was to meet to discuss a Dominion Status constitution, there was no use at all for all these representatives and parties of India to go to the Round Table Conference and there begin to discuss political questions The Governor General was probably right in doubting at that time whether it would be possible and advisable on his part to give this particular assurance to Mahatma Gandhi and Pandit Motilal Nehru and other leaders He was probably right because it was not possible for him to gauge and assess the strength of political consciousness and the strength of feeling on the part of Indians on this demand of theirs—Dominion Status , and naturally the attitude that he took up was quite excusable even from the point of view of an ardent Congressman Things, however, have changed now , there are clear and unmistakable signs to show that the people of this country are determined to achieve Dominion Status in order to work out a brilliant future for themselves If any further evidence is wanted, all that the Government and Honourable Members have to do is just to see how the country is to-day giving its response to the official measures of repression The Government was probably right in developing its repressive policy because no government which wants to govern over any people can keep quiet and silent when large numbers of people have taken to law-breaking and have thought it fit

to oppose the Government at the very foundations of Government for the time being But at the same time, what is the answer that is being given by the country ? A Hindu or Muhammadan householder, who has been accustomed traditionally to give hospitality to whosoever was in need of it, is to-day prevented from giving hospitality to the volunteers by a particular insidious section, a mischievous section of the Indian Penal Code But are there not enough people in the country to give shelter and hospitality to volunteers ? There are many

3 PM

Again, Sir, it is prohibited for a man to give subscriptions to Congress funds, but yet money is pouring in It is prohibited for a man to become a Congress volunteer, and yet larger and larger numbers of men are coming forward every day to enlist themselves as Congress volunteers Again, it is prohibited in most of the towns for more than four men to assemble in a place or walk together or hold a meeting or go in a procession, and yet processions and meetings are being organized in every town where there is this demon, as I put it, of section 144 Sir, in spite of all these repressive measures, there are people in this country, and their number is luckily increasing every day, who are prepared to defy these repressive laws and to lend their moral support to the Congress and its adherents Why should it be so, I ask ? It is not because all these millions of people who are prepared to sacrifice and suffer for the cause of the country are not anxious that there should be a stable and strong Government to maintain law and order , it is not because they are not anxious that there should be peace, harmony and concord between the different communities that inhabit this vast country , it is not because these people are actuated by a sort of evil force of anarchism, but it is just because all these people have come to believe that the Government of this country are far from sincere in their intentions to grant any substantial measures of reforms , they have become dissatisfied and discontented against the policy followed by Government till now All these people are extremely anxious to get Dominion Status as soon as possible Now, when they are determined on the attainment of Dominion Status for India, they find that there are only two alternatives before them, either to support this Government, which has been notorious for breaking its promises, or to support a movement led by one of the greatest saints, avowedly one of the greatest men of the world, who is the embodiment of all that is good, all that is great and all that is noble in human nature. They are all fascinated with this great saint of Sabarmati, a man with great moral and spiritual strength, a man who stands up courageously for holding up the ideals and principles of this great country, and they are prepared to support him All these people are extremely anxious that the Congress representaives should be invited to the Round Table Conference, because they see a possibility of attaining Dominion Status through this great saint of Sabarmati But how is this Round Table Conference to be a success, how can it be useful, how can its recommendations be binding on the people of this country if Mahatma Gandhi does not find a place in it ? That it why the people in the country to-day, with one voice, say that Mahatma Gandhi should be invited to the Conference. They are extremely anxious that Government should take the necessary steps, at whatever cost it may be, to secure the cooperation and participation of Mahatma Gandhi and his adherents.

[Mr N G Ranga]

Secondly, Sir, supposing Mahatma Gandhi does not go to the Round Table Conference, supposing he does not bless the Round Table Conference, supposing he is opposed, as he is to-day, to the Round Table Conference, what happens? It is all right for some Honourable Members, who are leaders of parties in this House, and for some leaders outside in the country to say that they are going to the Round Table Conference with a free and open mind to fight the cause of this country But suppose their demands are not granted, what happens then? Would it be possible for the very same gentlemen to come back to this country after having been disappointed at the Round Table Conference and give a satisfactory account of their own actions? Who will accept their recommendations? Who will accept their claim to represent the interests of this country? If on the other hand they are satisfied, if a constitution is framed and accepted, if a Bill is framed and placed before the British Parliament, who is to work these institutions? Sir, the Government is well aware that the country has gone through any amount of turmoil and trouble ever since 1921 just because the reforms granted then were not acceptable to the great majority of the people of this country, just because such unsatisfactory and disappointing reforms were thrust upon the people of this country Sir, the next crisis is going to be very much more important, it is going to be very much more dangerous, because politically the country has made very great strides since 1921, and therefore to-day the people are not in a mood to suffer in their self-respect at the hands of their leaders, much less at the hands of Government Under these circumstances, I ask who is going to work the constitution which has not the support of the country, when leaders have been warned not to go to the Round Table Conference without Mahatma Gandhi, and when leaders go to the Conference at the risk of flouting the public opinion of this country? Sir there is a very great risk, and I warn Government, because the Government headed as it is to-day by one of the greatest statesmen of England, headed as it is to-day by one of the most sincere Viceroys India has ever had, has got to realise that it is its duty to see that it does not plunge this country into a political disturbance of such magnitude as cannot be imagined at present Therefore, if the Government are really anxious that this country should progress, it is incumbent upon them to see that, somehow or other, the recommendations of the Round Table Conference, as accepted by the British Parliament, are made acceptable to this country Now, how can those recommendations be made acceptable to this country unless and until Mahatma Gandhi and his adherents find a place in the Round Table Conference, unless their signatures are attached to the conclusions which may be arrived at by the Conference and in the Bill that may be passed by Parliament

Again, Sir, it may be asked, what is it that we are going to gain in case Mahatma is invited to the Conference? Some gentleman this morning suggested that Mahatma Gandhi did not know law Sir, let me tell him that Mahatma Gandhi knows as much law as any individual in this august Assembly can claim to know There is an impression that Mahatma is an impractical idealist and that he is a *sanyasin* Sir, may I tell this House that this country has always venerated *sanyasins* who go about from place to place. In England you call them loafers but here we call them saints or *sanyasins* Sir, Mahatma Gandhi

is practical-minded, he is a statesman of the highest order ; he is an experienced politician , and I assure you, Sir, every Honourable Member in this Assembly has got to take his hat off, if he has a hat, to this great saint of the world for his political wisdom, for his political acumen Sir, if this man were to be at the Conference, it would be richer in its deliberations and its achievements Not only that, Sir I do not suggest that these people should be invited to the Round Table Conference only on the basis of Mahatmaji's statesmanship and political wisdom I claim, Sir, that these Congress adherents should be invited to the Conference because of the great spiritual force of this great saint and his adherents If he goes to that country, and if he tells the English people, as my Honourable friend, Sir George Rainy, was saying the other day, and makes an honest attempt to convince them of the anxiety, and the determination of Indians to win Swaraj, then I am perfectly sure, knowing as I do the English people, that most of the English people will come round and accept the dictates of political common sense with which they are blessed in abundance, and will be able to realise the necessity, the urgency of this particular question of the grant of Dominion Status to India, and will be quite willing to push through their Parliament a constitution which will grant Dominion Status to India in the nearest possible future I am extremely anxious that the Government should take the necessary steps to obtain the co-operation of and participation by Mahatma Gandhi and his adherents, and I can tell the Government of India and through them the Viceroy that no price is too high to secure Mahatma Gandhi's participation If they are really sincere that India should attain Dominion Status, if they are really sincere that the Round Table Conference should be a success, if they are really sincere that the promises of British statesmen should be implemented, and if they are really sincere that the Indian people should be satisfied, at least once in the history of their relationship with the English people, about the good faith of the English people, it is incumbent upon them, it is the duty of the Government of India and of His Excellency the Viceroy, and also of the British Government, to see that necessary steps are taken to obtain the participation of Mahatma Gandhi in this Conference

Maulvi Mohammad Shafee Daoodi (Tirhut Division Muhammadan) Sir, I beg to move

" That for the original resolution the following be substituted

' In view of the fact that it is very desirable that all political parties and interests in India should unite in pressing upon His Majesty's Government in England India's claims for responsible Government, in view also of the fact that attempts are being made to secure a peaceful atmosphere and the suspension of the Civil Disobedience Movement, this Assembly recommends to the Governor General in Council that he be pleased to release Mahatma Gandhi and other political prisoners ' "

Sir, I fully realise the gravity of the situation I know what is the state of things in the country Those who happen to be in the country now very well what a great strain is felt by all, the people as well as the officials The situation arose some time back, as we all know, in a very peculiar way, and now it is time for those who are sitting in this House to find out ways and means as to how this state of things should be put an end to. We suggest this amendment because it appears to us that this is the only way of solving the trouble We say in this amendment that the Indians have got to utilise all the possible means

[Maulvi Mohammad Shafee Daoodi]

of solving the constitutional problem of India We have got to find out ways and means of how best it can be solved, and for that reason we have to look to the two forces which stand in our way at the present moment One force is the force of the civil disobedience movement It counts upon the numbers that it can mobilise and put into the field, and the other force is equally, or rather, more obdurate The other force counts upon its armoured cars, its machine guns and other physical forces The two are exercising their strength against each other, but poor India is going to suffer on that account We, who are neither on this side nor on the other, feel it our duty to point out to both of them that they are doing something which is not in the interest of the country—neither in the interest of India nor in the interest of Great Britain We had for that reason tried to persuade Mahatma Gandhi from the very beginning not to start this movement of civil disobedience, because we thought it was inexpedient and inopportune But when the movement was started and we found that the Government was keeping quiet over it, we thought that there might very soon come a time which would relieve this tension But as soon as the Government took to repressive measures, the difficulties enhanced, and at the present moment, it appears that the two parties are in a position from where neither of them wishes to recede I should say, if there is goodwill and if there is the interest, that larger interest, of the country at heart, even now the trouble can be solved (*An Honourable Member*: "How?") The question is how really It is for everybody to contribute his mite to the solution of this question I do realise that my friend over there, the philosopher Dr Ziauddin puts this question to me I have tabled this amendment only for that purpose As you know, we have not been keeping quiet We have been all the while working in our own way It might be in the recollection of Honourable Members in this House that at the very beginning, rather on the 12th March, when the great march of Mahatma Gandhi commenced from Sabarmati,—on that very day we took the first opportunity to apprise the Government that there should be no interference whatsoever with this movement We have since then made overture after overture to both the parties We have gone to Mahatma Gandhi with sincere emissaries of our own We have gone to the Government through those who have access to the Government House, to tell them the mistake that they would commit by interfering with the movement This is, I should think, by this time known to everybody Even now, recently, while Maulana Muhammad Ali was on his sick bed in the Ripon Hospital, he could not restrain himself, and he issued a statement to the Press saying to what a difficult position we are all heading, both parties are heading. Even Dr Ansari, who has been silent so long, has broken his silence now and told the whole truth He has rightly pointed out the mistakes that were committed by the starting of the civil disobedience movement At the same time he has very rightly pointed out the effect of the repressive policy that has been adopted by the Government Lately, I find Mr. Jayakar, has also not lagged behind He has been doing in his own way what he thought proper from the very beginning, *i.e.*, to do all that he could to bring pressure to bear upon Mahatma Gandhi, Pandit Motilal Nehru and Vallabhbhai Patel to bring the movement to an end.

Now, I know that, on such serious and grave occasions, we should not make more speeches It is really time for deeds and therefore we have taken to that We are on the one hand advising our countrymen to look to the situation in a large-hearted way and look to the ultimate goal which we have to attain, and now here in this House we have to take this opportunity of telling the Government Members here that they should gauge the real situation in the country They should not be led by false reports that might be reaching them I know that the Government have got very few people to tell them the truth, and I should think that, whenever they happen to find the truth even though it comes from a humble man like myself, they should accept it and act up to it In this amendment I have suggested that the Government on its part should be prepared to realise Mahatma Gandhi and all political prisoners, and at the same time we are trying to persuade our countrymen not to proceed with their movement, and I think this is the solution Simultaneously if action is taken in the two directions I have indicated there will be no trouble I realise the difficulty of the Government of India It is really a subordinate body It has not freedom to act in its own way Again we find that the Labour Government is not in a majority in the House of Commons It is only the biggest group in the House of Commons It cannot have its own way I realise those difficulties of the Government, but nevertheless I find that, if the two parties have got a will and a determination to do good both to India as well as to Great Britain, things might be brought to such a state in which the forces that are standing in our way may collapse and we may be able to bring about the desired end It requires great courage no doubt, both on the part of the leaders of the civil disobedience movement as well as on the part of the Government, but without great courage, no big question can be solved, and I hope the two parties will rise to the occasion and see that India does not drift into anarchy I am really afraid that, if things are allowed to drift in the manner in which they have been drifting, anarchy might result, which certainly everybody in India would deplore I think the Englishmen themselves would deplore it They have only to realise that that would be the result, and I think the idea of bringing about the desired end will force itself on our mind With these few words, I move my amendment and commend it to the House

Rao Sahib B. Ramji (Berar Representative) Mr President, I rise to support the Resolution moved by my Honourable friend, Mr Acharya It cannot be denied, Sir, that the present political situation in India is grave and serious and requires careful handling on the part of the Government The atmosphere is full of political unrest and discontent The whole world is watching this movement with keen interest and many persons of outstanding merit from various countries have showered their blessings on Mahatma Gandhi and his movement This is a movement never in the history of the world History does not know such a movement Mahatma Gandhi is considered as a political saint in India as well as outside India Had such a man been born in a free country, he would have occupied the highest position Had such a man been born in England, he would have taken the place of a MacDonald Had such a man been born in America, perhaps he would have been the President of the United States , but unfortunately he is now rotting

[Rao Sahib B. Ramji]

in jail. Sir, the urgent need of the day is to bring about an atmosphere of peace and tranquillity. Government should recognise the growing national consciousness of the people in the country and should try to understand the origin of the present political national movement started by the Congress. Congressmen think that they have tried all constitutional means to obtain responsible government for the country, but failed, and as a last remedy they have started this movement of civil disobedience by non-violent means to secure the goal. In my opinion the movement would not have been started had the Viceroy given an assurance last December to the leaders of the Congress that Dominion Status would be the basis for discussion at the proposed Round Table Conference, with such safeguards as are necessary for the transitional period. Anyhow, Sir, today we are faced with possibilities fraught with danger. There is a regular fight between the Government and the people. Both are determined to fight the battle to a finish. Government are bent upon repressing the national movement by all the means at their command, while there appears to be a grim determination on the part of the nation to win freedom at any price. Government followed the policy of repression to kill the movement but with what result? The more the repression, the more the intensity of the national movement. Those who were against the movement in the beginning actually joined it because of the unjustifiable repressive policy of the Government. No Government, Sir, can rule any people in any country peacefully without their goodwill and co-operation. In spite of the repression, as we all know, Sir, the civil disobedience movement is gaining ground and gathering strength day by day. If the Government really want normal conditions to be restored in the country, it behoves them to look at things in a statesmanlike manner. This is the time, Sir, for the Government to respond to the public opinion and the national demand. The best course for Government is to cast aside the false notions of pride and prestige and follow the policy of conciliation in a generous spirit. The sooner, Sir, that is done, the better for both sides. In my opinion, the remedy lies with Government to allay the present distress and remove the political discontent. What is wanted is a real desire on the part of the Government to meet the political demands of the people. Sir, unless this is done, the consequences will be serious. Sir, the object of holding a Round Table Conference, as I understand, is to frame a constitution suitable and acceptable to all the different sections and communities in India. If that is so, then Government must take all steps necessary for the participation and co-operation of the representatives and leaders of all the different parties and interests at the Round Table Conference. But how can the Conference be a success when repression is in full swing? Who will participate in the Conference so long as the present reign of terror continues? Sir, no useful purpose would be served by discussing the constitutional problems in England while the most elementary rights of citizenship are being constantly denied in this country. Leader after leader is being sent to jail, ordinances are being promulgated, the Press is being gagged, and in some places martial law is being proclaimed. What do we read, Sir, every day? Hundreds and thousands of people are being arrested and sent to jail. What do we find in Bombay and other places? *Lathis* are being used on innocent volunteers—and not only on volunteers

but even on women and children peacefully joining the processions Sir, Government must stop all this repression, all this merciless beating If Government want to save the Round Table Conference from the fate of the Simon Commission, then they must release Mahatma Gandhi and other political prisoners and thus secure the attendance of all leaders of the different political parties in the country at the Round Table Conference

Mr. Abdul Haye (East Punjab Muhammadan) Sir I rise to give my whole hearted support to the Resolution moved by my Honourable friend, Mr Acharya Sir, I feel that one must speak with restraint on an occasion like this, for what is the situation with which we are confronted, and what is the remedy ? We find to-day the forces of Congress pitted against the forces of the Government , and between these two belligerents stand the non-official Members of the Indian Legislature suing for peace We, Sir, on our part desire, nay, we are anxious, that the white flag should be hoisted at once (Hear, hear) Sir each party believes it is in the right The Government say that the Congress is out to break the law, and " it is our first and primary duty to preserve law and order " The Congress on the other hand say that " all these ten years we have pleaded, we have tried to persuade the Government, and when we found that Government was not amenable to reason, we revolted and we are justified " Sir, one thing is certain that both the belligerents believe that, " all is fair in love and war " At this juncture I only want to ask the Government " Are you really great ? Are you really strong ? Are you really honest ? Where is your wisdom ? Why don't you display all those qualities ? You, representatives of Great Britain, do you really feel that you are great ? Do you feel that you deserve to sit on those Benches and to govern this country ? (Hear, hear) Why don't you take stock of the situation ? "

The Honourable Sir George Rainy (Member for Commerce and Railways) Sir, on a point of order, is the Honourable Member addressing his remarks to the Chair ?

Mr President : He is addressing his remarks through the Chair to he gentlemen who deserve them

Mr. Abdul Haye : I hope, Sir, my Honourable friend will pay more attention to my appeal which is made through you I say, " are you really great and strong ? " If you are, I have to tell you one thing, that your greatness does not lie in sitting tight in your seats, in your chairs The greatness of the Government, Sir, does not lie in belabouring and beating poor volunteers, the majority of whom are still in their teens Your greatness does not lie in taking advantage of the Hindu-Muslim differences (Hear, hear) If you say that we are not fit for self-government because there are communal differences, if Sir John Simon says that the Hindus and the Mussalmans are unable to pull together, and that they do not make up their differences, and " therefore, it is incumbent upon us to remain here as their masters ", I ask, have you solved the communal question yourself ? You do not deserve to be here if you are unfit to help to solve the communal question

Mr. President : The Honourable Member should try to address the Chair.

Mr. Abdul Haye : I submit Sir, that the greatness of the Government lies in displaying a spirit of generosity at this juncture If you are

[Mr. Abdul Haye.]

really anxious to negotiate with the people of India, then I must tell you plainly that there is no one gentleman on this side of the House amongst the non-official Members who is in a position to speak with authority on behalf of the people of India If you want one man alone—I do not mind whether you want him here or at the Round Table Conference—you cannot ignore Mahatma Gandhi But if you want dozens of representatives of India to sit at your table—I believe you have got a big round table there—you can have them But, Sir, they will not be able to speak with authority on behalf of the people of this country, if you leave out Mahatma Gandhi If there is one single individual, I say, Sir, who is in a position to-day to deliver the goods, it is Mahatma Gandhi (Loud applause from the non-official Benches) If you want to negotiate and come to an understanding so as to try and solve the problem of India, my submission is that the Government have got to negotiate with Mahatma Gandhi It is with this view, Sir, that we urge before you that he should be released and others who have not committed offences of a violent nature should also be released If you want to negotiate, you have got to negotiate with that thin, slender figure that sits half naked in jail and spins the fate of India You can release him and take him to your Round Table Conference But if you do not want to release him, I must tell you that you have got to negotiate with him And for that purpose if you do not release him, you yourself will have to go to jail And when that opportunity comes, when the representatives of Government go to jail, we shall call out their *Jai* and give them an ovation After all, what is Mahatma Gandhi? Is he an ordinary criminal? Is he an offender? The day is not far off, if India is to remain within the British Empire, if the connection of Great Britain is to subsist, when statues shall be raised to Mahatma Gandhi, and it may be one of the representatives of Great Britain who will be called upon to unveil those statues

Mr U N Sen (Bengal Nominated Non-Official) Sir, Mr Acharya, who moved the original Resolution, himself admitted that the first part of his motion was rather a bit obsolete, because reference to responsible government and the Round Table Conference, so far as this House is concerned, is to a certain extent a matter of past history I will, therefore, with your permission, make one or two observations with regard to the last part of the Resolution particularly where he urges Government to create a necessary atmosphere for the consideration of constitutional problems Sir, the atmosphere is not only confined to India, but in the consideration of this question we have as much to depend on the atmosphere in England as we have to depend on the atmosphere in India That the atmosphere across the seas is thickening with dark clouds is not difficult to judge One, who is in close touch with what is happening every day inside the British House of Commons and outside it, is quite familiar to what extent there is a movement in certain quarters to jeopardise the efforts of those who are trying to solve the Indian constitutional problem In order to make my position clear, I should, with your indulgence, read to the House one of the latest telegrams which has been received in this country It runs thus:

"Negotiations between three parties on question whether Government should allow Opposition to be represented at Round Table Conference has reached a very delicate stage and Government's position is presenting difficult problems. Conservative insistence on representation is hardening Conservative Committee on Indian affairs to-day

should be the basis of discussion at Round Table Conference If Government decide against Opposition representation, there is a danger of Conservative Liberal censure."

Of course, the House knows what it means The Labour Government, which is in power, will not last for a moment if this threat is given effect to

"Many Liberals express opinion that Irwin's speech invited Round Table Conference to shelve Report It is understood that Liberal Party meeting last evening reaffirmed previous decision to do everything possible to bring Simon Commission's Report before Round Table Conference While as MacDonald indicated in Commons yesterday, Government does not desire discussion in House at present, it seems likely that unless satisfactory arrangement is reached with Opposition, Burnham will initiate debate in House of Lords on 22nd July This will immediately result in demand for discussion in Commons in which case Labourite Left Wing has intimated that if Opposition question Government's proposals, they too will object that Conference cannot succeed unless principle of self Government and amnesty are accepted in advance"

Well, Sir, the unkindest cut of all is that Lord Burnham should take up this position What His Lordship seriously intends to do, is not difficult to understand

Mr. B Das : What does it matter ?

Mr. U N. Sen Of course, it does matter My friend Mr Das knows that Lord Burnham occupies a very unique position in English politics Whatever may be your views about Lord Burnham, and other Members of the Simon Commission, you cannot very well ignore what these gentlemen say If the position in England is unhappy, I cannot but say the same thing of India Although, owing to a certain combination of circumstances, we are passing through stirring times, still I am one of those who believe that it is better to have sometimes a touch of optimism in one's nature In my opinion there is absolutely no reason to be disheartened or to be depressed My friend, Mr Neogy, took the House yesterday through pathetic scenes of a melancholy drama which had been enacted at Dacca Sir, it is not my purpose to ask the House to go over those incidents That the civil disobedience movement has brought in its train untold miseries to people, who have not only participated in it, but also to those who have been silently watching it from outside, cannot be denied Sir, I do not want to go over that ground again It is not my intention to go into the psychology of this movement What I want to say in all humility is this, that it is no use blaming the Government entirely Government have got their responsibilities and are solely responsible for maintenance of law and order. It is their primary function to protect life and property and uphold the authority of law Sir, apologists either for Government or for the people will appraise the situation later on What I want to urge upon Government now is this That if there is a serious effort and an earnest attempt made by any Member of this House or any responsible person outside it, to bring about a settlement, Government ought to encourage those people and do whatever is in their power to help them The House is aware that only two or three days ago several Members of this House and of the other House, gave a mandate to the Leader of the Opposition to go and interview, if possible, Mahatma Gandhi, Pandit Motilal Nehru and other Congress leaders Whether he will succeed or not, I cannot say ; no one can say Opinion has been expressed in some parts of this House that it is futile to make any such attempt Well, Sir, I do not share that view I believe that if Mr Jayakar or any of his friends in

[Mr U N Sen]

this House or even outside it decide to go and interview the Congress leaders, they will come to some sort of settlement Even supposing for argument's sake, the negotiations fail, it is an attempt worth while making I believe no one is more anxious than the Government that the present situation should end and an atmosphere should be created for the consideration of the constitutional problem, and Mr President, because I believe that Government are as much anxious as anybody else that this civil disobedience movement should at once stop, that I joined the meeting of the Members of the Indian Legislature and gave whatever little support I could to Mr Jayakar I believe, Sir, that before the day is out, the Honourable the Home Member will make the position of Government absolutely clear, and we will hear that so far as the Government are concerned, they will not stand in the way of any negotiations with Mahatma Gandhi and other leaders I do not for myself expect any declaration of policy on the part of Government in this matter, because if I understand aright, the Government position is, that they cannot surrender their responsibility with regard to the maintenance of law and order Sir I have every reason to believe that when Mr Jayakar goes with his friends to see Mr Gandhi, he will have the approval of the head of the administration, and I believe, Sir, the House will be in possession of some sort of document by tomorrow morning which will make clear, in unmistakable terms, the intentions of His Excellency the Viceroy, and that document will be a charter not only to Mr Jayakar but also to the whole of India (Hear, hear)

Rao Bahadur P. T Kumaraswami Chettiyar (Madras City Non-Muhammadan Urban) I should like to give expression to my views on this Resolution and on the amendment proposed I submit, Sir, that with a view to get an agreed settlement amongst all the parties and interests in the Round Table Conference, it is desirable that the Governor General in Council should take the necessary steps to get the co-operation of Mahatma Gandhi and his followers in the Conference Otherwise, Sir, the country will take us to task and say that one section of India is out of the Conference and, as such, whatever deliberations or whatever conclusions are arrived at in the Conference itself are not acceptable In order to avoid this, we should see that all parties, whatever their political creed may be, should unite and attend the Conference By the way Sir, I deprecate the existence of the civil disobedience movement which is not a constitutional one and which is upsetting the equilibrium of the country Sir, the civil disobedience movement was first started as a non-violent movement, but when the masses are excited it is difficult to say what will be the consequences of it Sir, it is desirable also that the Government should take the necessary steps to put down the movement, which is unlawful But what do the Government do? They have adopted the most extreme repressive measures possible Indiscriminate infliction of *lathi* blows, the ban on Swadeshi enterprises, the ban on public meetings, the issuing of section 144 in every place in the country indiscriminately, all these which were unheard of in the annals of India are operating in this country. I should like to tell you, Sir, because of the fact that I had no occasion to speak on the one Resolution which I have given notice of, as regards the occurrences in Madras City on the 25th and 27th April, 1930 I have to mention it now The Madras Government, residing in Ootacamund, had

abdicated their powers to the police and the police had run amok on the unprecedented assemblage gathered on the Marina beach on the 27th April Though, Sir, the non-official Members of the city protested against the police excesses on the 25th and 27th April, though the premier Corporation of Madras tabled a resolution and submitted to the Government of Madras to enquire into the police excesses though the Madras advocates deputation waited on His Excellency the Governor at Ootacamund and expressed their horror at the perpetration of these wicked acts by the police, yet the Government were adamantine and refused to go into the case I should like to mention at this moment, Sir, that when the Jallianwala Bagh incident occurred, the late Mr Montagu expressed the view that when there was firing resorted to, there should be an enquiry gone into So, the Hunter Commission was appointed to go into the question of the Punjab riots

Mr President : We have already discussed the general policy of repression for three days, and I think on this Resolution the Honourable Member should confine himself to the matter which is directly in issue in this Resolution

Rao Bahadur P. T Kumaraswami Chettiyar : If you consider that I am out of order, I shall not refer to it If you do not permit me to speak any further on the incidents that occurred in the Madras City on the 25th and 27th April, 1930, I abide by your decision, Sir If you want peace and tranquillity to reign in India, this kind of repressive measures should be put an end to (Hear, hear) Sir, the people of India are excited and they are conscious of their strength and they are desirous of getting as much as they can Though these repressive measures are adopted, yet I do not think there will be any chance of the spirit of enthusiasm, that has been instilled into the minds of Indians dwindling On that ground, Sir, I should like the Government of India to take note of the situation and see what they can do with regard to the withdrawal of these repressive measures At the same time, I should like that Mahatma Gandhi should see that he calls off the civil disobedience movement with a view to get salvation for India

One word, I will have to mention with regard to the Report of the Simon Commission that has been published of late We expected from the Simon Commission a millennium and everybody wanted bread, but we got stones The Report is of a retrograde character and the reforms that are framed by the Commission fall short of the recommendations of the Madras Government

Mr. Arthur Moore (Bengal European) Sir, has this got anything to do with the Resolution before the House ?

Mr. President : The Honourable Member is making his maiden speech and therefore, I do not want to interrupt him too much

Rao Bahadur P. T. Kumaraswami Chettiyar : Then, Sir, I should like to express a few points with regard to the Simon Report when that subject is taken up today So with these few words I urge upon the Government of India to see that a calm atmosphere is created so that every party in the country, including Mahatma Gandhi and his party, is invited to be present at the Round Table Conference and make it a success

4 PM

The Honourable Sir George Rainy : I rise at this stage of the debate, Mr President, to explain as briefly as I can the atttitude of Government on my Honourable friend Mr Acharya's Resolution and on the various amendments which have been moved Naturally the course of the debate has traversed again a good deal of the ground over which we progressed in the last three days of last week. That was inevitable, and I can very readily understand how Honourable Members on the other side should have wished that the Session should not end until they had exhausted every effort and used all means which lay in their power to bring to an end a situation which we all of us recognise as deplorable I appreciate very much the spirit in which my Honourable friend, Mr Acharya, and my Honourable friend, Mr Shafee Daoodi, have spoken, and if I am not so well acquainted with the movers of the other amendments, or with some of the speakers who have recently come to this House, I do not doubt that each and all of them are animated by the same spirit, a desire, if they can, to do service to their country

Now, Sir, although the original Resolution itself and the various amendments which have been moved vary a good deal in phraseology, I am not sure that there is very much difference in the underlying motives and the underlying ideas which have led Honourable Members to put them forward I need not, I think, refer to the earlier part of the Honourable Mr Acharya's Resolution, because he made it plain himself, in moving it, that he did not wish to press that part of it and indeed would be content to accept the amendment of the Honourable Mr Shafee Daoodi What, Sir, is the feeling and the thought that animates the Resolution and the various amendments ? It appears to be this, that, a situation has arisen in which Government and the Congress are in conflict, that neither the Government nor the Congress will give way, and that meanwhile very great injury, both moral and material, is being inflicted upon the country In these circumstances Mr Shafee Daoodi has made it plain that he and his friends have done their best to exert their influence on the Congress leaders to induce them to bring the civil disobedience movement to an end Similarly he desires to use any influence he may have with Government to induce Government on its part to join in bridging the gulf between the two parties That, Sir is a very natural attitude and I can very readily understand why my Honourable friends on the other side of the House have felt it necessary to impress their views and their wishes upon Government in order to see whether anything can be done on those lines There can be no question, Sir, of the extent to which the country is suffering at the present moment as a result of the civil disobedience movement I am not going to go into any sort of detail, for Honourable Members know quite as much about the facts as I do It is obvious that the spirit of lawlessness is growing, and that the material injury is becoming very great Already a number of workers in industrial establishments have been thrown out of employment, and it is likely that, in the near future, the number of such persons who have lost their work will increase Want of confidence is absolutely paralysing the internal commerce of the country, and when all these facts are so, undoubtedly it must be the desire of everyone to see whether a solution can be found But if that is so, and if the Government of India find themselves still unable to go the whole way with my Honourable friends opposite, surely then the difficulties must indeed be grave. Some of my Honourable

friends have spoken as if this were a case in which the blame fell as much on the one side as on the other and that the proper way of addressing both Government and the Congress was to say "a plague on both your houses" Sir, I cannot for a moment admit that that is a fair or an accurate description of the position, or of the origin of the present situation After all, when we are asked to take all necessary steps to obtain the co-operation of Mr Gandhi and the other Congress leaders at the Round Table Conference, may we not fairly ask whether we have not taken these steps already? Was not His Excellency the Governor General's declaration of the 1st November last a reasonable and fair offer, which any Indian could honourably accept? Was not the establishment of the Round Table Conference by His Majesty's Government a fair offer which had it been accepted at the time in the generous spirit in which it was offered, would have altogether prevented the difficult and dangerous situation in which we are to-day? But the answer which these efforts received from the Congress was an absolute refusal to participate in the Conference except upon terms which neither His Majesty's Government nor the Government of India could contemplate, because in effect that would have reduced the function of the Conference to registering the decrees of the Congress itself Then followed the initiation of the civil disobedience movement although His Excellency the Viceroy, addressing the Legislature last Session made an appeal which might well have influenced those in whose hands the decision lay Then followed the melancholy history of the next three or four months

Such being the situation, it seems to me that the one indispensable preliminary to any sort of agreed solution of these questions is that the civil disobedience movement should be discontinued Unless that is done, I cannot myself see how it is possible for Government to bring about that better atmosphere which we all desire, or to secure co-operation from the Congress leaders in the work of the Conference The initiative clearly lies with those who launched the movement and are still inspiring and encouraging it

I was glad to notice Sir that, at a recent meeting in Simla of the representatives of the minority communities, that point was emphasised, for they said

> "We also take this opportunity of emphasising the supreme necessity of creating an atmosphere of peace and good will for the Round Table Conference, to secure which it is essential that all movements calculated to defy law and order should immediately be terminated and all attention should be concentrated on the success of the Round Table Conference"

That really expresses in a sentence the attitude of the Government of India also, for until that movement is discontinued, as I said on a former occasion, any efforts which Government may desire to make to restore normal condition are almost totally paralysed That the door still stands open for the Congress leaders to attend the Round Table Conference His Excellency made clear in no less than three different passages in his speech when he addressed the Legislature a few days ago He said

> "It is the belief of His Majesty's Government that by way of conference it should be possible to reach solutions that both countries and all parties interested in them can honourably accept"

[Sir George Rainy]

And again—

"His Majesty's Government still hope that Indians of all schools of thought, whatever the attitude that some of them have hitherto taken, will be ready to share in this constructive work"

And again,

"I would hope that it might not yet be too late for wiser counsels to prevail by which all the political thought of India might be harnessed to the task of welding into unity the elements that compose her life and in conjunction with Great Britain devising the best means for giving constitutional expression to them"

That, Sir, is the attitude of the Government of India But when Honourable Members speak of securing the co-operation of Mahatma Gandhi and all other Congress leaders, clearly, the question whether they shall attend the Conference and co-operate is not an issue which the Government can decide if they themselves are unwilling to attend or to co-operate, and if the only terms on which they are willing to attend are such as the Government of India, in the nature of the case, cannot accept, then I do not see that the blame rests upon the Government of India for the results which we all so deeply regret

A good deal of stress has been laid, during the course of the debate, on the desirability of the Government of India, as a sign of their conciliatory spirit, releasing those who are classed as political prisoners On Saturday last I dealt with the point, and in substance, said all that I had to say, although it was then comprised in a sentence or two. Does not the request mean that, while the civil disobedience movement is still in being and is being actively prosecuted, Government should disarm itself and say, "Well, conciliation is the first thing and we shall cease to resist the movement"? Honourable Members no doubt realise what a grave decision that would be if the Government of India took up that attitude As I said on Saturday, I think, it would amount very nearly to the abdication of Government But if Honourable Members say to me, "But if the movement were discontinued and ceased to be a danger, what then would Government do?", my reply is that I do not think we can reach a more satisfactory state of affairs, a better spirit or more conciliatory atmosphere by discussing this question on a hypothetical basis But I do not hesitate to say, as I said on Saturday, that if the movement were discontinued, a new situation would be created with which Government would have to deal, and it is quite obvious that the policy of the Government of India, being what it is, namely that the Conference in London should be a success and should be carried on under the conditions best fitted to promote its success, it must be their desire to do what they reasonably can to restore normal conditions That is the spirit in which the Government of India would approach the question, but I do not believe that it would be in any way promoting the cause of peace or be of advantage to the country if I were to say more than that to-day

Mr President, I have occupied the time of the House for a rather longer period than I intended The matters we are discussing are very important, but I do not believe that they are to be solved by much public speaking I will only say this in conclusion,—and I believe I can speak for every one of my colleagues—we all of us feel the burden resting on us to do what we can to be conciliatory and to bring about a

happier state of feeling , but all of us also cannot but feel resting on our shoulders the responsibility that the King's Government must be carried on and that, whatever else we do we cannot renounce the trust imposed upon the Government because it is the Government

Mr Raghubir Singh (Agra Division Non-Muhammadan Rural) : Sir I rise to oppose the somewhat voluminous Resolution moved by my Honourable friend Mr Acharya which as he has himself admitted is out of date and old like the Mover himself His Resolution says that steps should be taken to persuade His Majesty's Government in England to recognise India's right to self-Government and to invite India's representatives at the Round Table Conference to discuss what form of Government this country should have Well, Sir, the British Government are already taking steps to invite India's representatives to the Round Table Conference and thus give an opportunity to the representatives of India to frame a constitution which may best suit their needs Then there is the amendment of Rao Bahadur D R Patil which I am inclined to support because it lays great stress on the necessity of representation of rural interests in the Round Table Conference Sir, India is a country the population of which is mostly rural, and it is incumbent upon Government to invite representatives from rural areas to the Conference, so that the results may be achieved according to the wishes of the masses

Then, Sir, there is another amendment by the Honourable Mr Ranga which says that steps should be taken to secure the co-operation of and participation by Mahatma Gandhi and other representatives of the Congress in the Round Table Conference Well, with all respect to the Congress, I would say that though it may be the most important political institution in the country, still it is not the only institution which should count Then there is another amendment which is in tune with that of Mr Ranga, and therefore, Sir, I support

Mr N G Ranga : I made myself quite clear in my speech that my Resolution does not mean that other parties should not be invited to the Round Table Conference

Mr Raghubir Singh : But the words of the amendment are that

" This Assembly recommends to the Governor General in Council that he should take all necessary steps to secure the co operation of and participation by Mahatma Gandhi and other representatives of the Congress ",

and not of other institutions This was the meaning conveyed by the amendment However, Sir, I strongly support the amendment moved by Rao Bahadur D R Patil and oppose the original motion

Mr. T. N. Ramakrishna Reddi (Madras ceded Districts and Chittoor Non-Muhammadan Rural) Sir, the original Resolution proposed by the Honourable Member has got three definite parts I do not propose to read out the whole Resolution as it is already down on paper, but briefly put, the first part says that the Government should accept the principle of self-determination for India : The second part says that the leaders should bring about an agreed constitution which itself will have the inherent capacity for self-development, and the third part says that with a view to bring about a peaceful atmosphere, the Government should release Mahatma Gandhi and other political leaders

[Mr T N Ramakrishna Reddi]

Now, Sir, with regard to the first part, I do not think there is any patriotic Indian in this House who will object to these sentiments I do not think there is any Indian whose soul is so dead as not to see that the country gets self-government or that it should have self-determination But my only objection is whether this is the proper time to raise that question Sir, the whole country is now concentrated on getting self-government or Dominion Status, as it is called, and we have all to conserve our energies to achieve that aim, and not raise this apple of discord again by introducing this idea of self-determination Sir as we all know, His Excellency the Viceroy made a very momentous announcement the other day that the Simon Report would form only one of the materials to be discussed at the Round Table Conference, but that has given rise to a lot of angry sentiments in England For instance, we have read in the English papers that Sir John Simon, Mr Llyod George and Lord Reading are trying to do their utmost to see that the Simon Report obtains the fullest measure of consideration at the Round Table Conference Very recently we have also read in the papers that even Mr Wedgwood Benn, the Secretary of State for India, is contemplating resignation of his high office because he is not in agreement with the proposal that the Simon Report should not form the chief document for consideration at the Round Table Conference There are also responsible statesmen like Mr Churchill, Lord Birkenhead and others who have been openly declaring that the announcement of H E The Viceroy is most inopportune Sir, when the Viceroy has to meet such difficulties at Home, is this the time, I ask, for the Honourable Member to raise this question instead of concentrating ourselves on getting Dominion Status ?

Then, Sir, with regard to the second part, that the Indian leaders should frame an agreed constitution, in my opinion, this is not the time when this point can be raised There are already many constitutions, for instance all the parties have joined together and have produced a constitution, popularly called the Nehru Report, which has received the largest amount of support in the country There are also several constitutions produced in this country ready-made if it is necessary to have constitutions at all So I consider that it will be inopportune at this moment to call in the leaders and ask them to frame a constitution once again

With regard to the third part, we are all in entire agreement Now, Sir, at this time when the whole country is in a turmoil, when the leaders of the country are in jail, how can the Round Table Conference be a success ? If it is to be successful, then it is incumbent upon Government to see that the leaders of the Congress, who are the leaders of the nation and who are now rotting in jail, are immediately released

Sir, when the civil disobedience movement is in full swing, another unfortunate thing has been added, and that is the publication of the Simon Report Sir, the country asked for bread and it was given a stone The country asked to be masters in its own house, and it was given seven wise men from afar, seven stone-hearted men, to fashion a constitution for India I need not dilate upon this point, because everybody knows that the Simon Report has been denounced from one end of the country to the other, by every party and by every shade of opinion, and it has been condemned thoroughly The Government must already have taken a note of it, and they must have sent cables to

England in order to make the Home Government know what the opinion of this country is with regard to the Simon Report

Now, Sir, at this juncture His Excellency the Viceroy has done the greatest service by coming out with a bold declaration only the other day that the Simon Report will only have the same value as any other Report and will not form the basis of discussion at the Round Table Conference I say so, because the House has just listened to a recent telegram which my Honourable friend Mr Sen has read out to the House So, the first business, the first duty of the Government is to bring about a reconciliation with the Congress Party, which is the most important party in the country Sir, I consider this a very opportune moment because the Round Table Conference was asked for by Pandit Motilal Nehru himself It is not a new thing It was asked for no doubt under different conditions and different circumstances but, however, we are given this Round Table Conference Though we have got this Round Table Conference, the leaders wanted that Government should accept Dominion Status as the basis for further discussion at the Round Table Conference, that they should accept Dominion Status with certain necessary safeguards, but the Government have not gone so far But in the last announcement of His Excellency the Viceroy, we find that the scope of the discussions at the Conference is not circumscribed It means that at the Round Table Conference Dominion Status might be discussed and even Independence might be discussed, and that there is to be no restriction on the discussion This pronouncement is an improvement upon the previous pronouncement of His Excellency the Viceroy There is, after all, very little difference if correctly understood and sympathetically applied, between what the leaders ask for and what the Viceroy has promised Sir, there is absolutely no question of prestige involved in Government trying to bring about a reconciliation with the Congress The Congress men are not rebels. Its leaders have been actuated by the highest of motives and have sacrificed everything for the sake of the country Further, if the Round Table Conference is to be a success, it cannot be so without these leaders taking part in it I can understand negotiations going on between two belligerent parties, between two parties that are fighting with each other, but I cannot understand negotiations proceeding with one party left out If the Congress is left out and the leaders of other parties are invited and if the British representatives at the Conference then ask them what their credentials are, and whether they would be able to deliver the goods on behalf of this country, what are those people to say ? The Congress is the strongest party in the country, and if the leaders of the Congress are in jail, it will be impossible for those other leaders to say that they speak on behalf of the country Whatever agreement they may come to, will not be acceptable to the whole of India, and so it is quite essential that the Congress ought to be invited

Sir, what is the difference between the Congress and the Government ? Very recently, as the Leader of the Opposition has stated, the Congress leader, Pandit Motilalji was prepared to agree to very moderate terms. The only difference is that the Congress leaders say that they want a declaration of Dominion Status, whereas Government say that Dominion Status is the ultimate goal but only a certain time is required to reach it. The principle is accepted and there is difference only with regard to time. With regard to time also, it has now been conceded because His Excellency the Viceroy the other day said that we can discuss even

[Mr. T N Ramakrishna Reddi]

Dominion Status right away at the Conference, only we shall have to convince the British people So far, His Excellency the Viceroy's announcement is a great advance But there are certain defects in the announcement made by His Excellency the Viceroy While he has announced the scope of the discussion at the Round Table Conference, he has not announced the personnel The country and this House are entitled to know the personnel of the Round Table Conference whom the Government are going to invite, because, for aught we know, the persons whom the Government have got up their sleeve may not be acceptable to the country So, there is no reason why the Government should keep back the names of the personnel of the Conference If the Government want to take the country into their confidence, they must at the earliest moment announce the personnel of the Round Table Conference

Then, there is another defect in His Excellency the Viceroy's pronouncement His Excellency has said that His Majesty's Government will accept such agreements as are arrived at at the Conference of the British and Indian representatives This is a step backward, a retrograde step, from the announcement which His Excellency the Viceroy made in November last In that announcement His Excellency said that the Indian representatives would meet the representatives of His Majesty's Government, but now he has gone behind that, he has receded from that position, and he has stated that the Indian representatives will have to meet not His Majesty's Government's representatives alone but the representatives of the British people also It means that the fight of the Indian representatives will not only be with the British Government which, fortunately, is a Labour Government and is favourably disposed towards us, but also with the Liberals and the Conservatives With regard to these latter, they have clearly given expression to their opinion that the Simon Report must form the basis of discussion at the Round Table Conference Therefore, when the Indian delegation have to meet the British representatives, including the Conservative and Liberal representatives, it will be a very hard job to tackle them His Excellency the Viceroy's announcement does not, again, throw light on this point, namely, if there is no agreement what will happen He only says that the agreed terms will form the basis for the future constitution of India to be framed by the Parliament But if there is no agreement come to, what will be the position? Is it to be decided by a majority of votes, or what is going to be done? If anything is to be decided by a majority of votes, then Government must invite, must give a larger proportion of representation to the Indian representatives because it is their interests that are at stake In regard to that also the announcement is not very definite So, Sir, Government are bound to clear these defects before they invite these members for the Round Table Conference

I listened to the speech of the Honourable the Leader of the House to find out whether he would throw out any gesture of reconciliation. Except for reiterating the fact that the civil disobedience movement is harmful, which everybody knows, he has not stated anything definitely by way of gesture of reconciliation with the Congress people The Honourable Member says that the leaders should call off the disobedience movement before any reconciliation can take place Well, Sir, the country has waited for many long years, and it is only as a last resort that Mahatma Gandhi has resorted to the civil disobedience movement. It is only after

prolonged consideration that he has taken this step and the country and the people believe that it is a right step and they have absolutely no faith in the words of the Government So it may not be possible to expect that the country will take up the suggestion of the Honourable the Leader of the House and call off the civil disobedience movement at once

Mr President The Honourable Member has exceeded his time limit

Mr. T. N. Ramakrishna Reddi I shall now close Government must come out with more definite proposals and promise that all these political prisoners will be released and that the Congress people will be invited, if they call off the civil disobedience movement It is the duty of the Government, if they at all want to make the Round Table Conference a success, to come out with more definite proposals to conciliate the country

The Assembly then adjourned till Eleven of the Clock on Friday, the 18th July, 1930.

LEGISLATIVE ASSEMBLY DEBATES

FRIDAY, 18th JULY, 1930

Vol. IV—No. 10

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Appendix

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1930

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LEGISLATIVE ASSEMBLY.

Friday, 18th July, 1930

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met in the Assembly Chamber at Eleven of the Clock, Mr President in the Chair

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QUESTIONS AND ANSWERS

PAY OF PREVENTIVE OFFICERS OF THE MADRAS CUSTOMS DEPARTMENT

291 ***Rao Bahadur P T Kumaraswami Chettiyar** (1) Will Government be pleased to state

(*a*) whether there is any difference between the nature of duties performed by the Preventive Officers on Rs 120 and the Assistant Preventive Officers on Rs 60 of the Madras Customs Department ,

(*b*) whether the Preventive Officers are required to possess any qualifications in any way higher than the Assistant Preventive Officers ;

(*c*) if the reply to part (*b*) be in the negative, what are the reasons for direct recruitment of Preventive Officers on Rs 120 and Assistant Preventive Officers on Rs 60 ,

(*d*) whether Government have any special grounds for maintaining these two grades ; and

(*e*) whether Government are prepared to inquire and consider the question of abolishing the system of direct appointment of Preventive Officers on Rs 120 in future ?

(2) Is there any communal rotation or rule applied to the Madras Customs Service as adhered to by the Madras Government ? If not, why not ?

The Honourable Sir George Schuster : (1) (*a*), (*b*) and (*d*) Formerly there was only one grade of Preventive Officers in Madras In 1920 the Madras Government drew attention to the facts that with the low rates of pay then in force, it was difficult to recruit men with the necessary qualifications for the more responsible posts and that there was a consequent temptation to dishonesty It was therefore decided to follow the practice at Bombay and Karachi and to aim at recruiting a better class of men on higher pay for the more responsible work, while maintaining a reduced number of men on the lower grade for the less responsible work It is understood that as a result the Collector is now able to recruit men for the higher grade who can be employed with more confidence in the more responsible duties.

(1) (*c*). Does not arise.

(1) (*e*). No.

L10CPR(LA)

(2) No definite rotation has been prescribed, but following the rule adopted by the Government of India the Collector is required to reserve one-third of the vacancies for the redress of communal inequalities The strength of the Preventive Department on 1st October, 1929, was as follows

Europeans	6
Anglo-Indians	9
Mussalmans	8
Brahmans	7
Non-Brahmans	18
Total	48

Rao Bahadur P. T Kumaraswami Chettiyar : May I know what qualifications are required for Preventive Officers,—what higher qualifications are required for Preventive Officers, what academical qualifications are required for Preventive Officers ?

The Honourable Sir George Schuster : I am afraid I have not heard the Honourable Member's question

Rao Bahadur P T. Kumaraswami Chettiyar : May I know what are the academical qualifications required for a Preventive Officer ?

Mr President : The Honourable Member wants to know what academical qualifications are required in a Preventive Officer

The Honourable Sir George Schuster : I find it rather difficult to say exactly what the academical qualifications are I presume they must include some knowledge of the general trades concerned, but chiefly, these officers must be men of good character—that is the chief requirement

Rao Bahadur P T Kumaraswami Chettiyar : Then do you find, Sir, that among the Assistant Preventive Officers there are no proper men for promotion to Preventive Officers ?

Mr President : That is not a question

DEATH OF SERGEANT WILTSHIRE IN LANDING IN AN AEROPLANE AT RISALPUR

292 ***Mr. E F. Sykes** : (*a*) Will Government please state if it is a fact, as reported in the Press, that on May 23rd, Sergeant Wiltshire of the Royal Air Force, brought an aeroplane forty-five miles from the front to Risalpur but was killed in the end for want of training in landing ?

(*b*) If not, will Government please say what the actual facts of the case were ?

Mr G M Young : An aircraft, piloted by Flying Officer Stroud, was carrying out a reconnaissance over Mohmand territory, when the pilot was hit by a rifle shot from the ground and rendered unconscious. Aircraftman Wiltshire was the passenger in this machine, which is of a type fitted with duplicate controls in the passenger's cockpit. He navigated the aircraft back to Risalpur, and almost succeeded in effecting a safe landing Only those officers and men of the Royal Air Force are trained

to fly whose duties require that they should be capable of piloting aircraft Aircraftman Wiltshire was a fitter by trade, and airmen of this class are not required to pilot aircraft He had, therefore, received no instruction in flying, and it was by his exceptional courage and initiative that he succeeded in getting the machine back to Risalpur at all (Cheers)

AMENDMENT OF THE CHILD MARRIAGE RESTRAINT ACT.

293 ***Mr M K Acharya** . With reference to Government's reply to my starred question No 656, dated 19th March, 1930, will Government be pleased to state

(*a*) whether, in view of the considerable feeling against the Sarda Act all over the country, Government will bring in an amendment exempting the purely religious part of Indian marriages from the scope of that Act , or

(*b*) what other relief, in the alternative, do Government propose to give to those who are forced to disobey the Act for the sake of their religion ?

The Honourable Mr H G Haig (*a*) and (*b*) As promised by Sir James Crerar in reply to the Honourable Member's question No 656 on the 19th March, 1930, the Government of India have circulated to Local Governments for opinion certain Bills for the amendment of the Act which have been introduced, or of which notices have been given, by Members of this and the other House, including the Honourable Member himself When the replies of Local Governments have been received and the actual operation of the Act for some months has been observed, Government will be in a position to define their attitude towards any proposals for amendment

Sir Hari Singh Gour : What object do Government think would be served by circulating an Act of the Legislature which was only placed on the Statute-book on the 1st April last, and what experience has the public gained of the working of this Act during the last three months to entitle it to give any opinion on the point of the working of the Act ?

The Honourable Mr. H G. Haig : It is not a question of circulating the Act for opinion, but circulating for opinion certain Bills which were introduced in this House or the other

Sir Hari Singh Gour : Are they not Bills repealing an existing Statute which only came into effect on the 1st April last ?

The Honourable Mr H G Haig : No, Sir They are Bills proposing certain amendments in particular provisions of the Act

Sir Hari Singh Gour : Is it not a fact that the Bills that have been circulated by the Government are practically Bills which propose to repeal the so-called Sarda Act or the Child Marriage Restraint Act ?

Mr M K Acharya : Is it not a fact, Sir, that the so-called Sarda Act is an Act which deserves to be repealed at once ?

REPORTED INSANITY OF A PRISONER UNDER SOLITARY CONFINEMENT

294 ***Mr. Abdul Haye** : (*a*) Has the attention of Government been drawn to the Free Press message, published on page 9 of the *Tribune*,

dated the 6th July, 1930, under the heading " Solitary confinement turns Kamal Nath Tewari mad "?

(*b*) Is it a fact that Mr Tewari became insane while suffering solitary confinement ?

(*c*) Is it a fact that no medical relief was afforded to him in consequence of which he grew worse ?

(*d*) What is the present state of his health ?

The Honourable Mr H G. Haig (*a*) Yes.

(*b*) No He has not been in solitary confinement

(*c*) No

(*d*) When last reported, his health was satisfactory. He is however, under close and constant medical observations

REPORT OF THE PESHAWAR INQUIRY COMMITTEE

295 ***Mr Abdul Haye** : (*a*) Will Government please state on what date the Report of the Peshawar Inquiry (Sulaiman) Committee was submitted to Government ?

(*b*) Why has the said Report not been published so far ?

(*c*) Will Government please lay on the table of the House the said Report ?

(*d*) What action if any, have Government taken on the said Report ?

The Honourable Mr H G Haig : (*a*) The Report was received by the Government of India on the 19th June

(*b*), (*c*) and (*d*) It was published on the 7th July together with a Resolution of the Government of India thereon which states the action they have taken and propose to take

ADMISSION OF CERTAIN RETRENCHED CLERKS TO THE CLERICAL EXAMINATION OF THE PUBLIC SERVICE COMMISSION

296 ***Mr Amar Nath Dutt** : (*a*) Is it a fact that an examination will be held this year by the Public Service Commission for the recruitment of candidates for the clerical grades of the Government of India ?

(*b*) If the answer to part (*a*) be in the affirmative, will Government be pleased to state whether the examination will be for outsiders or for departmental candidates only ?

(*c*) If the examination be for departmental candidates only, will Government be pleased to state whether they propose to allow those departmental candidates who are either age-barred or below the educational standard prescribed to sit for the examination ?

(*d*) Is it a fact that the retrenched men of the Army Canteen Board were given the above concessions ?

(*e*) Are Government aware that there are some retrenched candidates who have served the Government of India for a considerable period but were not permitted to sit at the last departmental examination ? If the answer be in the affirmative, do Government propose to make some provision by which such men may be permitted to sit at the next examination ?

(*f*) If the answer to part (*e*) be in the negative, do Government propose to inquire into the number of such candidates and give them the same concession as was given to the men of the Army Canteen Board last year ? If not, why not ?

The Honourable Mr H. G Haig : (*a*) Yes

(*b*) The examination will be an open competitive one

(*c*) Does not arise

(*e*) and (*f*) Government are not aware of any such cases

CLAIMS OF EXISTING QUALIFIED CANDIDATES TO VACANCIES IN THE SECRETARIAT AND ATTACHED OFFICES

297 ***Maulvi Sayyid Murtuza Saheb Bahadur** : (*a*) Will Government be pleased to state separately the number of candidates who qualified themselves for appointment in the Upper, Lower and Third divisions of the Government of India Secretariat and its Attached Offices in each of the years 1922, 1925 and 1926 ?

(*b*) How many of these candidates have not yet been provided with employment in the Secretariat or, if provided, are still holding temporary and officiating appointments ?

(*c*) Do Government propose to take early steps to provide these men with permanent appointments in the appropriate divisions for which they are qualified ? If not, why not ?

The Honourable Mr H G Haig : The information is being collected and will be supplied to the Honourable Member in due course

CLAIMS OF EXISTING QUALIFIED CANDIDATES TO VACANCIES IN THE SECRETARIAT AND ATTACHED OFFICES

298 ***Maulvi Sayyid Murtuza Saheb Bahadur** : (*a*) Is it a fact that Government have recently issued orders that the first vacancy occurring after the 1st April, 1930, in any of the three divisions of the ministerial establishment of the Secretariat and Attached Offices must be thrown open to an " external candidate " and must not therefore be permanently filled up until the result of the next Public Service Commission examination is known ?

(*b*) Is it also a fact that the term " external candidate " as used in these orders means those candidates who will qualify in the forthcoming examination and excludes those candidates who qualified in previous examinations and still remain to be permanently provided for ?

(*c*) If the answers to parts (*a*) and (*b*) are in the affirmative, will the Government be pleased to state why the claims of existing qualified candidates who have been serving in temporary and officiating capacities for so long have been ignored in favour of the persons who are yet to be recruited ?

(*d*) Do Government propose to modify their orders to the extent that the existing qualified candidates who are working to the satisfaction of the Departments in which they are employed should be given preference and absorbed in permanent vacancies as soon as possible and should not be replaced by external candidates unless their work proves unsatisfactory ? If not, why not ?

The Honourable Mr H G Haig : (*a*) Yes, unless strong reasons can be shown to the contrary by the Department concerned

(*b*) Yes

(*c*) and (*d*) The claims of the persons in question will not be ignored As only a percentage of the vacancies will be recruited by competitive examination from external candidates, it is not necessary to modify the orders in the manner suggested

CLAIMS OF EXISTING QUALIFIED CANDIDATES TO VACANCIES IN THE SECRETARIAT AND ATTACHED OFFICES

299 ***Maulvi Sayyid Murtuza Saheb Bahadur** : (*a*) Will Government be pleased to state the number of permanent and temporary vacancies likely to occur in each of the three divisions in the Government of India Secretariat and its Attached Offices during the 18 months commencing from the 1st April, 1930 ?

(*b*) Against these vacancies how many qualified candidates for the respective divisions are there who have not so far been provided with permanent appointments ?

(*c*) If the number of persons mentioned in (*b*) above is sufficiently large, do Government propose to postpone the holding of the next Ministerial Selection Branch examination until these candidates are absorbed in the vacancies which are likely to occur ? If not, why not ?

The Honourable Mr H G Haig : (*a*) The information as regards permanent vacancies likely to occur within the period mentioned is being collected from the various Departments by the Public Service Commission It is not possible to ascertain the number of temporary vacancies

(*b*) Accurate figures are not obtainable at present, but these will be collected

(*c*) No The new recruitment rules provide that a certain proportion of appointments in the two Upper Divisions shall be filled by promotion of departmental candidates and the remainder by external candidates

RECRUITMENT OF MUSLIMS TO THE GOVERNMENT OF INDIA SECRETARIAT AND ATTACHED OFFICES

300 ***Maulvi Sayyid Murtuza Saheb Bahadur** : (*a*) Will Government be pleased to state the total number of requisitions for assistants and clerks belonging to the Muslim community received by the Public Service Commission from the various Departments of the Government of India Secretariat and its Attached Offices during the last three years ? Of these requisitions, how many were complied with ?

(*b*) Is it a fact that in a majority of cases the Public Service Commission could not provide Muslim candidates for these vacancies with the

result that appointments reserved for the Muslim community had to be filled up by Non-Muslims ?

(*c*) If so, are Government prepared to ask the Public Service Commission to consider the possibility of declaring those Muslim candidates qualified for the various divisions for which they obtained a sufficiently high number of marks in the aggregate in the Ministerial Selection Branch examination, 1929, but failed to secure a fixed percentage in any particular subject ?

The Honourable Mr H G Haig (*a*) and (*b*) The information is being collected and will be supplied to the Honourable Member in due course

(*c*) The question does not arise

DIFFERENCE IN TREATMENT BETWEEN DEPARTMENTAL AND NON-DEPARTMENTAL CANDIDATES FOR APPOINTMENTS IN THE GOVERNMENT OF INDIA SECRETARIAT

301 ***Maulvi Sayyid Murtuza Saheb Bahadur** : (*a*) Will Government be pleased to state the percentage of qualifying marks fixed for the Upper Division in the late Staff Selection Board examination held in 1922 ?

(*b*) Was the percentage the same in the case of both departmental and non-departmental candidates ? If not, why not ?

(*c*) Is it a fact that some departmental candidates who did not qualify for the Upper Division in that examination and obtained an aggregate of less than 200 marks, were subsequently declared qualified for that Division, whereas the cases of non-departmental candidates who obtained 200 or even more marks were not considered ?

(*d*) Is it also a fact that most of these non-departmental candidates are now employed in the Lower Division in the Secretariat or Attached Offices ?

(*e*) If so, are Government prepared to ask the Public Service Commission to accord the same treatment in this respect to non-departmental candidates as has been meted out to departmental candidates ? If not, why not ?

(*f*) Will Government be pleased to state the number of Muslims and Non-Muslims affected by the suggestion at (*e*) above ?

The Honourable Mr H G Haig : (*a*) and (*b*) The examination held in 1922 for the Upper Division in the Secretariat was confined to departmental candidates It is not the practice to make public the number of marks required to qualify in examinations of this nature

(*c*) No departmental candidate who obtained less than 200 marks at this examination was subsequently declared qualified for the Upper Division of the Secretariat There were no non-departmental candidates

(*d*), (*e*) and (*f*) Do not arise

APPOINTMENTS IN THE OFFICE OF THE CHIEF CONTROLLER OF STORES, INDIAN STORES DEPARTMENT

302 ***Maulvi Sayyid Murtuza Saheb Bahadur** : (*a*) Will Government be pleased to state separately the total number of vacancies of clerks

and Assistants which occurred in the office of the Chief Controller of Stores, Indian Stores Department, during the period 1st April, 1929 upto date ?

(*b*) How many of these vacancies were filled up by

(*i*) qualified candidates,

(*ii*) unqualified candidates ?

(*c*) Of the unqualified candidates mentioned above, how many were Muslims and how many Non-Muslims ?

(*d*) What was the number of (*i*) Muslim and (*ii*) Non-Muslim unqualified candidates who applied for these vacancies and how many of them were selected for each category ?

The Honourable Sir Joseph Bhore : (*a*) Assistants—1

Clerks—55

(*b*) (*i*) Assistants—1

Clerks—6

(*ii*) Assistants—Nil

Clerks—49

(*c*) Muslims—14

Non-Muslims—35.

(*d*) Recruitment for the clerical staff of the office of the Chief Controller of Stores is normally made through the Public Service Commission, and no register of applications received direct by the Chief Controller of Stores from unqualified candidates is maintained It is therefore regretted that the information required under the first clause of this part is not available

As regards the second clause the number of unqualified Muslims and Non-Muslims selected for each category is given in reply to part (*c*) of the question

APPOINTMENT OF MUSLIMS IN THE OFFICE OF THE CHIEF CONTROLLER OF STORES, INDIAN STORES DEPARTMENT

303 ***Maulvi Sayyid Murtuza Saheb Bahadur** : (*a*) Will Government be pleased to state the existing strength of Assistants and clerks employed in the office of the Chief Controller of Stores, Indian Stores Department ?

(*b*) What is the percentage of Muslims and Non-Muslims employed in each category ?

(*c*) Is it a fact that the percentage of Muslims has of late been decreasing in the Indian Stores Department ?

(*d*) If so, do Government propose to take necessary steps to bring the percentage of Muslims upto the mark as soon as possible ? If not, why not ?

The Honourable Sir Joseph Bhore : (*a*) Assistants—45

(*b*) Muslims—Assistants—13.3 per cent

Clerks—19 8 per cent

Non-Muslims—Assistants—86 7 per cent

Clerks—80.2 per cent

(*c*) No

(*d*) Does not arise.

FLOGGING OF PRISONERS IN PESHAWAR

304 ***Maulvi Sayyid Murtuza Saheb Bahadur** (*a*) Is it a fact that some volunteers of Peshawar who are undergoing imprisonment were flogged for having been on hunger-strike ?

(*b*) If so, will Government be pleased to state if being on hunger-strike is a crime ? If not, what punishment has been meted out to those who are responsible for the punishment ?

The Honourable Mr H G Haig (*a*) No

(*b*) Does not arise.

REFORMS FOR THE NORTH WEST FRONTIER PROVINCE

305 ***Maulvi Sayyid Murtuza Saheb Bahadur** : (*a*) Is it a fact that the people of North West Frontier have been held out an assurance that they will get full-fledged reforms on the same lines as are being enjoyed in other parts of India ?

(*b*) If so, will Government be pleased to state what progress has been made between the Chief Commissioner and the Government of India in giving effect to the assurance ?

Mr E B Howell : (*a*) It is not clear what the Honourable Member is referring to In case he has in mind the reply given by His Excellency the Viceroy to the address presented to him on the 4th June, 1930, by the deputation of representatives of the Muslim zemindars of the Punjab, a copy of the reply is laid on the table In case he is alluding to the reply given by the Honourable the Chief Commissioner, North West Frontier Province, to the address presented to him on the 3rd July, 1930, by certain prominent residents of the Province, a copy of the address and of the reply is laid on the table Final decision rests of course with the British Parliament.

(*b*) As stated by His Excellency, a Committee presided over by Sir Fazl-i-Hussain has been actively engaged in re-examining the problem of reforms for the North West Frontier Province in all its bearings, and has formulated certain proposals which are now under the consideration of the Local Administration and the Government of India

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His Excellency the Viceroy's reply to an address presented by a deputation of Muslim Zemindars of the Punjab, at Simla, on 4th June, 1930

Gentlemen,

I am very glad to have the opportunity of meeting so many of the leading Muslim Zemindars of the Punjab, and I can assure you that I consider it a pleasure, and in no way an addition to the labours of what, as you say, is a busy time for us all,

to welcome your deputation here this afternoon and to be put in possession of your views on matters of such great moment I only wish that in your journey to Simla you had not been forced to travel through a Punjab June, which I fear must have caused many of you an uncomfortable journey

The condemnation you have pronounced on the efforts which have recently been made to disturb the peace of India echoes what is being generally expressed by Muslims, both individually and through meetings and associations, in many different parts of the country It is a great satisfaction to have the clear assurance of a body such as yours, which has, I know, a wide influence on public opinion both within and outside the Punjab, that you are determined to support Government in their task of upholding the authority of the law and to pursue the course of wise men towards the development of the country on peaceful and constitutional lines I desire, on behalf of my Government, to acknowledge with the most cordial feelings the expression of continued loyalty which you have been good enough to make this afternoon

You have asked in your address that I should urge upon His Majesty's Government the necessity of securing to Provinces a large degree of autonomy, and to India equality with the Dominions, in the new constitution about to be framed for India At the moment my lips are sealed upon such constitutional problems will no doubt be fully dealt with in the report which Sir John Simon is on the point of submitting. They will also, I doubt not, be one of the main topics of discussion at the Conference to be held in London, at which I shall certainly hope—in accordance with your desire—to see the interests for which you speak adequately represented I often look back to the occasion at which most of you, I think, were present, when I was privileged to hold a Durbar—my first in India—in Lahore, and to add my meed of homage to the sacrifices which the Punjab made on behalf of the British Empire in the stern days of the Great War Those sacrifices are not likely to be forgotten, and so long as they are remembered I cannot believe that the Muslims of the Punjab need fear that their just claims will pass unrecognised I repeat what I said not long ago in a statement which some of you may have read that no settlement of the problem which contronts us can be considered satisfactory that does not carry the consent of, and give a sense of security to, the important minority communities who will have to live under the new constitution

The claim which you have made this afternoon for adequate representation of the Muslim community in the public services is one with which I fully sympathise and which I have done, and will continue to do, my best to advance As I have said on more than one occasion recently to Muslim deputations, the general policy of the Government of India is to adjust any unreasonable preponderance of particular communities in the public services by taking special steps to admit duly qualified members of other communities We do not propose to depart from that principle, and I may say that the Home Department are now engaged in examining the practical working of our present system to see whether it is yielding fair results This examination, as you will realise, involves a good deal of statistical research, but the Home Department are proceeding with it as quickly as they can at a time when they are necessarily burdened with other and grave responsibilities As soon as this material is available, representatives of Government would be very glad to discuss the situation with any representative body of Muslim opinion

The particular question of the appointment of Muslims to the High Court of Lahore is also, as I appreciate, one of the greatest concern to you The fixing of any definite proportion of Muslim Judges would, I fear, be a departure from accepted principles, but you may be sure that I recognise the force of the representation made in your memorial, and that in recommending names for permanent appointments and in filling appointments of Additional Judges, the considerations you have advanced will not be overlooked

I have spoken earlier this afternoon of the great traditions of service to Government for which the Punjab Muslims are famous, and you may therefore feel assured that the question of the admission of Muslims to King's Commissions in the Army, to which you have referred, is one which will always have my sympathetic interest I find on reference to the current Army List that out of 99 Indian King's Commissioned officers in the Indian Army 40 are now Muslims, and I trust that there is no reason to fear that the Muslim community will fail to maintain at least the same percentage of successes in future entrance examinations as it has in the past. I understand that there has been a high proportion of Muslims in the recent batches

of Indian cadets entering Sandhurst, and I trust that their careers will be a credit to the virile races from which they have sprung

To turn to the other matters mentioned in your address, I have watched the course of recent events in Palestine with particular solicitude, for I am well aware that developments in that country are a subject of the closest concern to the Muslims of India I have not failed at each stage to keep His Majesty's Government apprised of the sentiments of Indian Muslims regarding affairs in Palestine, and I shall be careful to communicate to them the views on the subject to which you have given expression today As I have said on another occasion, the declared policy of His Majesty's Government is to secure to every section of the population in Palestine the due protection of their rights and interests—both religious and secular That is, I think, as fair and explicit a declaration as it is possible to make, and I think you may have confidence that in Palestine, as elsewhere, His Majesty's Government will pursue their declared policy, whatever the difficulties which may appear to beset their course As you have probably seen from recent Press reports, His Majesty's Government have called for a further detailed examination of the vitally important questions affecting land tenures and immigration

I entirely share the feelings of regret expressed by you with regard to recent unfortunate events in the North West Frontier Province, and I trust that the tranquillity of the Province and confidence in Government will speedily be restored Two High Court Judges are now conducting an enquiry into the disturbances of the 23rd of April at Peshawar and the measures taken to deal with them Pending the results of that enquiry I would enter a word of caution against the acceptance in any quarter of unverified reports as to what actually took place, which may turn out to be untrue, and the expression of opinions which appear to prejudge the facts With regard to the antecedent causes of those disturbances I can assure you that these are engaging active attention, and if they are not included in the terms of reference to the enquiry Committee, it is only because it is considered that other methods of arriving at an appreciation of those causes are more appropriate You may also be assured that no time will be lost, as soon as the facts are known, in taking steps to redress any administrative grievances of the people of the North West Frontier Province which may be disclosed

You express the view that one of the main causes underlying unrest in the North West Frontier Province is the sense of disappointment felt by the people that their legitimate political aspirations have not been satisfied, and you believe that their satisfaction will prove to be the foundation of stable and peaceful administration I am fully convinced of the importance which the people of the Province attach to constitutional advance, and realise the desire of your community in general that a Province which is predominantly Muslim should not be denied the means of political self expression

You may be interested to know that on my return from my recent visit to the Province, and before these unfortunate disturbances had arisen, I requested Mian Sir Fazl i Husain to examine this question in order that no time might be lost by the Government of India after receiving the Report of the Statutory Commission, in reaching their own conclusions I am glad to be able to inform you that he is now presiding over a committee which is actively engaged in re examining the problem in all its bearings You will of course understand that it is not possible to anticipate the solution which may ultimately be approved by Parliament But I can assure you that so far as I and my Government are concerned, when making recommendations on this subject to His Majesty's Government, the natural claims of the Province in the constitutional field will be viewed with sympathy, and I am taking steps to see that the people of the Province may have an opportunity of making direct representation of their views at the forthcoming Conference in London

I have, I think, touched on all the points which you have been good enough to bring to my notice, and it only remains for me to thank you again for coming here today and for your reassurance, which I most highly value, that the loyalty of the great community for which you speak remains unshaken We are passing through anxious times, and have seen the damage wrought to India by a policy which is the negation of all progress and construction It has been a source of deep gratification to me and to my Government to know that the Muslim community, with few exceptions have been wise and statesmanlike enough to appreciate the dangers of such activities and by keeping sternly aloof from them they have acted in the true interests of their own community and of India.

I have seen it suggested that in the face of the present troubles the Government have allowed their desire to find means of meeting Indian aspirations to be buried under a ruthless determination to secure victory over those who are responsible for the present Civil Disobedience movement Nothing could be further from the truth, for it remains my fixed resolve to do all that is in my power to give effect to the words which I used on November 1st, last year

But constitutional advance, in the true sense of a change which will be beneficial to India depends at this stage upon two conditions first, on co operation based upon mutual trust between the Indian and the British peoples, and secondly, the maintenance of the authority of constituted Government It is because the present Civil Disobedience movement represents a negation of both these conditions that it must be the imperative duty of my Government to oppose it

But while recognising this necessity it remains my earnest desire to promote generous constitutional advance, and if those Indians who, like yourselves, are prepared to join with my Government in this endeavour, can also find means of persuading your countrymen of whatever creed to join you in this co operation, then your efforts will be of true service to your country

I am not without hope that it may be possible to settle the future constitution of India, as I and my Government, and His Majesty's Government, have always hopes that it would be settled, by agreement between the various parties and interests in India on the one hand, and His Majesty's Government on the other But if these hopes are to be realised, it will be necessary that those who have embarked on the Civil Disobedience movement should discard the ideas of force and coercion which underlie it and be prepared once again to adopt the methods of argument and reason In such happier circumstances it would be possible for all those who wish India well to collaborate in finding a solution of her problems by which all communities might securely and freely give of their best in India's service

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Address presented to the Chief Commissioner, North West Frontier Province, by certain Prominent Residents of the Province

TO THE HON'BLE MR S E PEARS, CSI, CIE, ICS, ETC,

Chief Commissioner, North West Frontier Province

May it please Your Honour,

We the undersigned residents of the N W F P are here to accord you our hearty welcome on your taking over charge of this Province, and we express the hope that your long association with this Province and valuable experience of an advanced State in India like Mysore will prove beneficial to the interests of this Province The unfortunate events of the last two months did not admit of the usual formal welcome function, they being such that the memory of the same will linger for some time to come in the memories of the present generation This we believe has made your task more difficult than it would have been under normal circumstances This, however, is not the occasion to go into these matters Representations relating to this subject will be made separately

Sir, 20 years ago, the Minto Morley Reforms were introduced in the Punjab and parts of India, but not in this Province Ever since then, this Province has been suffering from a feeling of very great disappointment Our sense of despair has been growing more and more acute, and has now culminated in grave discontent, since the publication of the Simon Report We realise that the matter of Reforms is one, the decision of which lies chiefly in the hands of His Majesty's Government at Home, subject to the approval of the British Parliament, but recommendations on the subject are in your hands and in those of the Government of India, and it is for this reason that the demand for putting this Province on a footing of equality with the rest of India has been made from time to time We beg to assure you, Sir, that feeling on the subject is and has always been very strong.

There are, however, certain matters which, under the existing law, could have been taken up by the Local Government years ago, for the better administration of the Province It is, therefore, requested that in order to restore confidence, immediate action relating to these matters be taken up without any further delay

(*a*) Local Self Government

District Boards and Municipalities be reconstituted and substantial elected ele-

(*b*) The Punjab Panchayat Act be applied to this Province

(*c*) The scope of the activities of the beneficient departments—Education, Public Health, Medical, Co operation, Agricultural, Veterinary, be enlarged , and, in general, uplift work—intellectual, moral and economic—be seriously taken up and raised to a standard in previnls in the neighbouring Province of the Punjab

(*d*) We believe that Land Revenue, water rates, and Local rates are heavier here than those in the Punjab It is necessary that a general assurance be given that the Punjab Standards will not be exceeded here in this respect

(*e*) The recent land assessment of the Peshawar District is very harsh It is desirable that the assessment recently made be revised in accordance with the spirit of the Land Revenue Amendment Act 29, of the Punjab is soon as possible It is also requested that the enforcement of the Act to this Province at an early date be considered

May we also take the opportunity to emphasise that the association of the people with the administration is highly desirable There are wide spread complaints as regards corruption, and efficiency of administration is not generally believed to be high, and it is submitted that suitable action be taken in this connection

We beg to emphasise the need and importance of expediting action in the above mentioned matters

Constitutional agitation is the method on which we rely, and defiance of law is not the course which we pursue or approve of We feel that our Province cannot flourish, or advance, unless it be through the co operation of the Government and the people, both working in a spirit of mutual confidence

In conclusion, we beg to express our gratitude to you for giving us this opportunity of laying our views before you, which we hope will receive your most sympathetic consideration and support

We beg to subscribe, Sir,

Your most obedient servants

List of the members of the Deputation which waited on the Chief Commissioner, N. W F P on the 3rd of July, 1930

1 Nawab Sir Sahibzada Abdul Qaiyum Khan of Topi
2 Sardar Sahib Sent Singh
3 S Kirpal Singh, Municipal Commissioner, Peshawar
4 Lieutenant Zakaria Khan of Nowshera
5 Khan Abdul Latif Khan, Orakzai, Pleader, Peshawar
6 Lieutenant Taj Md Khan, M B E, Jagirdar of Dangarzai
7 Pensioned Inspector Mohd Akram Khan of Dangarzai
8 Noor Illahi Khan, Pleader, Peshawar
9 R S Lala Ram Nath, Lambha, Municipal Commissioner, Peshawar City
10 Lala Wazir Chand of Messrs Moolchand and Sons, Peshawar
11 Pandit Bhagat Ram, B A , Head Master, National High School, Peshawar
12 Arbab Fateh Md Khan, Khalil, Tehkalbal, Pleader, Peshawar
13 S S Narinjan Singh, Landlord and house proprietor, Peshawar City
14 S Md Aurangzeb, Reis, Kulachi, Vakil, Peshawar
15 Khan Md Ibrahim Khan, Reis, Cham, Charsadda, Vakil, Peshawar
16 Syed Ali Naki Rizvi, Peshawar
17. Lala Dheru Mal Kapoor, Municipal Commissioner, Peshawar City (Elected)
18 Khan Nassarullah Khan, Orakzai, Jagirdar Bhanamari
19 Sheikh Abdul Ali, Reis, Sheikhan
20 Khan B Muquddar Khan, Pensioned, D F C of Sheikhan

21 K B Risaldar Md Akram Khan, O B E, I D S M, Mathra
22 2nd Lt K S Md Yakub Khan, Reis, Hoti
23 K S Md Aslam Khan, Bara Khankhel, Mardan
24 Md Aslam Khan, Reis, Hoti
25 Khan Abdul Gaffur Khan, Bar at Law, Peshawar, Reis Parang
26 Syed Ali Shah, Elected Municipal Commissioner, Peshawar City
27 Sh Abdullah Khan, Zemindar, Sheikhan
28 M Mahmud Jhan, Contractor, Peshawar City
29 R B Kiram Chand, O B E, Reis and Municipal Commissioner, Peshawar
30 Mr Hukam Chand, B A, Bar at Law, Peshawar
31 M Abdul Aziz, Bar-at Law
32 Lieutenant Taj Md Khan of Ismaila, Mardan
33 Lieutenant Bahadur Sher Khan of Mullazai.
34 S Arjaz Hussain, Municipal Commissioner, Peshawar City
35 Nawab Sir Arbab Det Md Khan of Tahkalbala
36 Nawab Hamidullah Khan of Toru
37 K B Maulvi Ghulam Hasan Khan, V President, Peshawar Municipal Committee
38 K B Sarfaraz Khan of Chamkani
39 Arbab Afridi Khan, Jagirdar of Tahkalbala
40 L Kishen Chand, Honorary Magistrate, Peshawar
41 R S L Shankar Das Khanna, Peshawar
42 Arbab Tehmazkhan, Khalil, Reis, Tahkalbala
43 Arbab Sher Afzal Khan, Reis, Tahkalbala
44 Arbab Sher Akbar Khan, Reis, Tahkalbala
45 Arbab Sher Hasan Khan, Reis, Tahkalbala
46 Sardar Narinjan Singh Bedi, B A, Head Master, Sanathan Dharma High School, Municipal Commissioner, Peshawar City
47 Zaildar Md Aslam Khan of Hariana
48 Khan Abdul Rahman Khan of Tarnab, Charsadda
49 Capt Nawab Md Akbar Khan, Reis, Hoti
50 Md Yunus, B A, LL D, Elec Municipal Commissioner, Peshawar City
51 Mirza Attaullah Jan, B A LL B, Elec Municipal Commissioner, Peshawar
52 K B Abdul Gaffoor Khan, Reis, Zaida
53 W Capt Hisamuddin, Reis Peshawar
54 W Abdul Raoof Khan, Sadozai, Jagirdar, Peshawar

Reply by the Hon'ble the Chief Commissioner and Agent to the Governor General, North West Frontier Province

(1) Gentlemen, I am very glad to meet you, and I thank you for your welcome and for your good wishes I appreciate the self restraint which you have displayed in dwelling upon certain unhappy incidents in the recent history of the Province, and as in duty bound I will inquire into any complaints which may be brought to my notice Such complaints will form the subject of full and impartial investigation at the hands of Government

(2) In the matter of Reforms, I can assure you of my sympathy and you can count upon my giving the matter very careful consideration before I formulate my

news on the subject in the near future You may be sure that I will try to do all I can for the Province as a whole

(3) I have considered very carefully the matters which you have mentioned in connection with which you ask for action under the existing constitution, and I have arrived at the following conclusions

(a) *Local Self Government*—I am prepared to reconstitute the District Boards and Municipalities and to introduce an elected element in both Details of this scheme will be worked out and early steps taken to give effect to this decision As regards Panchayats, a Committee will be constituted to examine the matter and make a report

(b) *Activities of the Beneficent Departments*—I am glad to be in a position, after consulting the Government of India, to announce that it will be my object to secure to the Province as regards these Departments the same standards of administration as obtain in the frontier Districts of the Punjab, and our proposals for next year will be framed on that basis

(c) As to financial burdens, I have no hesitation in giving you the assurance that Land Revenue, water rates and local rates in the Frontier Province will not be, on the whole, higher than those obtaining in the Punjab, and that the re assessment proposals of the Peshawar District will be re examined in the light of the new Punjab Land Revenue Amendment Act

(d) I welcome your desire to be associated with the administration by way of Advisory Committees, and your desire that corruption be stamped out or substantially reduced Inquiries into these suggestions will be duly made and suitable action taken

(e) It is a matter of satisfaction to me to have your assurance that you do not approve of defiance of law and that you put your faith to constitutional methods only For my part, I assure you that I look with sympathy on the natural aspirations of the people to advance intellectually, economically and politically, that all representations on the subject will receive my careful consideration, and all reasonable requests may count upon my sympathy and support

(f) The task before us, the Government as well as the people, is a great and noble one It is my earnest desire to see the Province prosperous, contented and progressive, and with your co operation I am confident that much can be done to secure the best results

Unqualified Clerks in the Army Department

306. ***Mr Abdul Qadir Siddiqi**. (a) Will Government please state the number of the non-permanent clerks in the offices under the Establishment Officer of the Army Department, who do not possess the educational standard required by the Public Service Commission, *i e*, have not passed the Matriculation or any similar examination ?

(b) Is it a fact that these clerks were employed by the Establishment Officer in preference to those possessing the necessary qualifications and have not been replaced ? Is it possible to make them permanent ?

(c) Is it a fact that qualified candidates were available at the time these clerks were selected and that such candidates are still available on the list retained by the Establishment Officer ?

(d) Have Government considered the question of the advisability of replacing the non-qualified men by those who can ultimately take the competitive examination of the Public Service Commission and have a reasonable chance of permanency ?

Mr G. M Young. (a) 23

(b), (c) and (d). None of these 23 are eligible for permanent posts They are only employed until such time as persons who have duly passed

the Public Service Commission examination are available for permanent appointments. Some candidates possessing the educational qualifications required by the Public Service Commission no doubt were, and are still, available but, for these temporary appointments, special qualifications, such as typewriting, are often of more value than a Matriculation certificate. Out of a total of 119 persons holding temporary clerical posts at Army Headquarters, 96 are already qualified to take the competitive examination, and only the 23 already mentioned are unqualified.

TRANSFER TO DIVISIONAL OFFICES OF CLERKS AND ACCOUNTANTS IN MILITARY ACCOUNTANT GENERAL'S OFFICE

307 ***Mr. Amar Nath Dutt** : (*a*) Is it a fact that of late the Military Accountant General has introduced the system of transferring the ministerial staff of his office to far off Divisional Offices subordinate to him and that under this system no clerk or accountant is to be entertained in the head office at Simla or Delhi for more than five years ? Is it also a fact that since the creation of the Military Accountant General's office many years ago, no clerk or accountant has been transferred elsewhere except on promotion and that the men passed the whole tenure of their appointments in one and the same office wherefrom they ultimately retired ?

(*b*) What is the amount spent so far in connection with the travelling and other allowances that have been paid to clerks and accountants transferred and men recruited in their places from the Divisional Offices ? Do Government propose to inquire of the Military Accountant General if any such expenditure was ever incurred in any of his predecessors' times and, if the reply to the query is in the negative, what is the justification for incurring this new expenditure ?

(*c*) Is it a fact that there is no such system of transfer of the ministerial staff in existence in the Auditor General's office ? If so, why are the clerks and accountants of the Military Accountant General's office transferred to subordinate offices after the men concerned have put in five years' service ?

The Honourable Sir George Schuster : (*a*) The information on which the Honourable Member has evidently based his question is not quite correct. The facts are briefly as follows. The Accountants and clerks of the Military Accounts Department are borne on a general roster for all-India and are liable to serve in any Military Accounts Office and also to be sent on field service. Even in the past men transferred to the Office of the Military Accountant General could be, and on occasions were, retransferred to other offices. There was, however, a tendency for men transferred to the Headquarters Office to remain there more or less permanently. In 1926 the then Military Accountant General represented that this practice was not conducive either to the efficiency of the Department or to the general contentment of the personnel. The Government of India, accepting his views, issued orders in September of that year that in the interests of the efficiency of the office Accountants and clerks who had been serving there for five years or more or who might do so in future should, at the discretion of the Military Accountant General, be gradually transferred to the District Controllers' Offices, the men so transferred being replaced in the Headquarters Office by specially selected individuals from the Controllers' Offices. As a result of the carrying out of these orders by the Military

Accountant General and his successors transfers in recent years have naturally been more frequent than in the past

(*b*) The expenditure since 1st April, 1929, on travelling and other allowances in connection with these transfers is estimated at approximately Rs 15,000 As I have already stated, transfers were possible, and were occasionally made, even before the orders of 1926 The more frequent transfers in recent years have naturally resulted in increased expenditure on travelling allowances , but these will fall below the present level when the preliminary moves of the old incumbents have been completed As regards the final suggestion in this part of the question, I would merely point out that this expenditure has been incurred by the Military Accountant General in carrying out the orders of Government

(*c*) The answer to the first question in this part is in the affirmative The two cases, however, are not parallel Unlike the ministerial staff of the Auditor General's Office, the Accountants and clerks of the Military Accounts Department are, as I have already stated, borne on a general roster for all India and are liable to serve in any Military Accounts Office As regards the second question, a regular inter-change of personnel is considered desirable in the interests of efficiency, as it was found that as a result of long employment in the Headquarters Office there was a tendency for Accountants and clerks to lose touch with the practical work of an audit office In view of the changes that occur in the rules, regulations and accounting procedure it is considered essential in the interests of efficiency that transfers should be effected so that the staff of the Headquarters Office may consist of men who have an up-to-date and practical knowledge of the work in the subordinate offices A further point is that the posts in the Headquarters Office are the prize posts of the Department and from the point of view of general contentment it is not desirable that these posts should be the perquisites of a few individuals throughout their service.

MEMORIAL FROM THE CLERICAL STAFF OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

308. ***Mr. Amar Nath Dutt** : (*a*) Is it a fact that the clerical staff of the office of the Director General, Posts and Telegraphs, submitted an identical memorial to the Secretary of State for India praying for the improvement in their pay and prospects during recent years ?

(*b*) If so, will Government be pleased to say what action has been taken on the same ?

The Honourable Sir Joseph Bhore . (*a*) Yes, in 1928

(*b*) The memorials were withheld by the Government of India under the Rules regarding the submission of memorials to the Secretary of State for India, on the ground that they were an appeal against an order of the Government of India refusing to grant a concession not claimable under any law or rule I may, however, add that the pay of the clerical staff of the Director General's Office has recently been improved

Dr. Nand Lal : May I venture to ask, Sir, whether it is not a fact that the salary of the establishment alluded to in question No 308 is really

less when compared with the salary of the clerks in other offices who are of a similar status ?

The Honourable Sir Joseph Bhore : I must have notice of that question, Sir

REDUCTION OF STAFF OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS

309. ***Mr. Amar Nath Dutt** : (*a*) Is it a fact that as a result of the subordinate staff of the office of the Director General, Posts and Telegraphs, having submitted an identical petition to the Secretary of State for India, it was considered necessary to have the method of working of that office examined by Mr J P Ganguli with a view to effect reduction of the subordinate staff of that office ?

(*b*) Was it proposed by Mr Ganguli to effect reduction after reducing the work of that office ?

(*c*) Will Government be pleased to lay on the table a statement showing item by item the reduction of the work in the Director General's office effected ?

(*d*) Was a proportionate reduction made in the gazetted staff of officers of that office ? If not, why not ?

Mr. H A Sams (*a*) The fact is not as stated by the Honourable Member

(*b*) No

(*c*) and (*d*) Do not arise in view of the reply to (*b*) above

PAY OF THE SUBORDINATE STAFF OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS

310 ***Mr. Amar Nath Dutt** : (*a*) Are Government aware that the revision in the scales of pay sanctioned by Government for the subordinate staff of the office of the Director General, Posts and Telegraphs, during the current year has the effect of raising the minimum and maximum of the two scales for the benefit of the future incumbents only ?

(*b*) Are Government aware that none of the subordinate staff of that office who have already rendered services ranging from twenty to thirty years can expect any monetary benefit by the revision or expect to get the facility of reaching the maximum of his scale even at the time of his retirement ?

(*c*) Is it a fact that the usual incremental rates of the clerks have been reduced in the revision recently sanctioned ?

The Honourable Sir Joseph Bhore : (*a*) and (*b*), The reply is in the negative

(*c*) Yes, in the case of the second division clerks.

PAY OF THE SUBORDINATE STAFF OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS

311. ***Mr. Amar Nath Dutt** : (*a*) Is it a fact that a lump sum amount of saving has been effected by a recent reduction in the subordinate staff of the office of the Director General Posts and Telegraphs ?

(*b*) Is it a fact that out of that saving an improvement of pay and prospects for the Postmasters General and officers of similar status has been made with effect from March, 1930, *i e*, before the modification of Fundamental Rule 22 ?

(*c*) Is it a fact that as a result of having the new scales of pay for the subordinate staff of that office sanctioned with effect from the 1st April, 1930, the staff will be deprived of the benefit of that rule before the modification made with effect from that date ? If so, will Government be pleased to say

(*i*) what is the justification for their making this distinction by giving the benefit of the Fundamental Rule 22 to the officers on higher salaries and depriving the subordinate staff of the Director General's office of the same benefit , and

(*ii*) whether the subordinate staff of the Director General's office have recently submitted petitions to the Honourable Member in charge of the Department praying for the grant of the benefit of the old Fundamental Rule 22 ? If so, what orders have been passed on their petitions ?

The Honourable Sir Joseph Bhore (*a*) The reductions that it has recently been decided to make in the strength of the subordinate staff of the Office of the Director General of Posts and Telegraphs are being effected gradually and the full saving will only be realised after a period of a year or two

(*b*) It is a fact that an improvement of the pay and prospects of the Postmaster-General and officers of similar status has been given effect to from the 1st March, 1930 There is no connexion, however, between this measure and the saving referred to in part (*a*) of the question

(*c*) (*i*) As the modifications of Fundamental Rule 22 were sanctioned from the 18th of March, 1930, the introduction of the new scales of pay for the subordinate staff of the Director-General's Office which came into force from the 1st of April, 1930, will be governed by the new rule It may be explained that the date of revision of Fundamental Rule 22 was fixed by the Secretary of State for India without reference to the Government of India and some time after the decision to introduce the revised scales of pay for these subordinates, with effect from the 1st of April, 1930, was arrived at No question, therefore, of any distinction arises in this matter

(*ii*) Government understand that petitions have been received by the Director-General from the subordinate staff of his office praying for the grant of the benefit of the old Fundamental Rule 22 in respect of their transfer to the new scales of pay On receipt of the petitions from that officer with his remarks they will be duly considered by Government.

Pay of the Subordinate Staff of the Office of the Director General of Posts and Telegraphs.

312. *Mr. Amar Nath Dutt : (*a*) Are Government aware of the fact that the subordinate staff of the office of the Director General, Posts and Telegraphs, whose annual increment of pay is Rs. 6 at present and who were granted personal pay of Rs. 40 on being transferred to Delhi, will still be getting the fixed amount of emolument they are now drawing for

at least three years more whether there is revision or no revision in their scales of pay ?

(*b*) Is it a fact that they have to pay as house rent, etc, in Delhi of an approximate amount of Rs 25 to 30 per month for occupying Government quarters ?

(*c*) What amount of net pay, after this deduction, are those officials on a total emolument of Rs 158 drawing per month for their expenses to live upon with their families ?

(*d*) What net amount will such officials draw if they are in the 23rd year of their service or less, at the time of their retirement at this rate at 55 years of age ?

(*e*) What steps have been taken by Government to allow such officials to reach the maximum of the revised scale of their pay at the time of their retirement ?

(*f*) What steps have been proposed to be taken by Government to enable such officials to draw a pension of Rs 150 per month after retirement ? If nothing has been done, do Government propose to take steps now when giving effect to the revised scales of pay which has not been given effect to as yet ?

The Honourable Sir Joseph Bhore . (*a*) and (*b*) If by " subordinate staff " the Honourable Member is referring to the clerical staff, the facts as stated by him are substantially correct

(*c*) The net pay will vary according to the actual deductions made, but generally speaking will be about Rs 130 per month

(*d*) The information is not readily available and Government do not consider that the time and labour involved in working out the figures would be justified by the value of the result

(*e*) None

(*f*) None, nor in revising the scale of pay of a cadre is it the practice to take any special steps to insure that the existing staff shall all reach the maximum of the revised scale before retirement

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UNSTARRED QUESTIONS AND ANSWERS

APPOINTMENT OF SIKHS IN THE POSTS AND TELEGRAPHS ACCOUNTS OFFICES.

138 **Sardar Gulab Singh** : (*a*) Are Government aware that the Sikhs are not represented in sufficient numbers in the Posts and Telegraphs Accounts offices ?

(*b*) Will Government please state the number of Sikhs employed in the office of the Deputy Accountant General, Posts and Telegraphs, Delhi, in the " A ", " B " and " C " classes, respectively ?

(*c*) Will Government please state how many Sikhs have been promoted from " C " class to " B " and from " B " to " A " class during the period from 1926 to 1930 ? If a sufficient number of Sikhs have not been given promotions, are Government prepared to take steps to give the promotions to Sikhs proportionately, and thus remove the grievances of the Sikhs ?

(*d*) Are Government prepared to recruit some more Sikhs in the office of the Deputy Accountant General, Posts and Telegraphs, Delhi, and other Posts and Telegraphs Accounts Offices if the existing number of Sikhs employed is insufficient ?

(*e*) Is it a fact that orders were passed by an Accountant General, Posts and Telegraphs, once that no local man should be appointed as Supervisor of Records in the office of the Deputy Accountant General, Posts and Telegraphs, Delhi ? If so, is the present incumbent a local man ? If so, why has he been appointed superseding other senior men as Supervisor of Records in contravention of the above orders ?

The Honourable Sir George Schuster : Enquiry is being made and a reply will be sent to the Honourable Member as soon as possible

SHOOTING ACCIDENT IN PESHAWAR

139 **Sardar Gulab Singh** : (*a*) Is it a fact that the Chief Commissioner, North West Frontier Province, Peshawar, had after the shooting tragedy (resulting in the death of the son and daughter of Sardar Ganga Singh and severe injuries sustained by his wife) previous to the formal inquiry, declared the shooting as accidental, and if so, why did he do so, when it was also announced by him that a formal inquiry was to take place in this connection ?

(*b*) Is it a fact that the Chief Commissioner had announced that Sardar Ganga Singh was to be compensated, and if so, was he offered anything in cash or kind, and if so, how much ? Did Sardar Ganga Singh accept or refuse the offer, and what were the reasons for his so doing ?

The Honourable Mr H G Haig : (*a*) and (*b*) The Honourable Member is referred to the reply given to Mr S C Mitra's question No 94 on the 15th July, 1930, from which it will be seen that this most regrettable incident was the result of a pure accident

The Chief Commissioner on receiving the first report that the children had been killed accidentally did not consider it necessary to await the results of a formal enquiry before expressing his deep concern at the tragedy and his heart-felt sympathy with the father of the children

(*c*) The Chief Commissioner promised that everything possible would be done to make amends for the accident No compensation was specified

DEMOLITION OF A TEMPLE IN HISSAR

140 **Rai Bahadur Lala Panna Lal** : (1) Will Government please state if it is a fact that a mound known as Agroha Theh in District Hissar, Tehsil Fatehabad, was declared as a monument under Monuments Act VII of 1904 ?

(2) Is it a fact that there existed on the *mound* a number of *satis* and four temples ?

(3) Is it a fact that one of the temples was repaired with the permission of the Deputy Commissioner, Hissar, granted to Pandit Brahma Nand on 2nd October, 1927 ?

(4) Is it a fact that subsequently the permission was withdrawn by the Deputy Commissioner and the temple was removed without giving any reason for that ?

(5) Are Government aware that *satees* and temples are sacred relics of *Aggarwal* and religious rites are being performed twice a year on the *mound* ?

(6) If so, will Government please state the reasons for demolishing the temple and are they prepared to take necessary action to restore it ? If not, why not ?

Mr G S Bajpai : (1) Yes

(2) Prior to the declaration of the mound as a protected monument under the Ancient Monuments Preservation Act, 1904, only one *Mathi* was in existence

(3) and (4) Permission to repair a temple was granted by the Deputy Commissioner, Hissar, to Pandit Brahma Nand, but as it was discovered that the Pandit was building new structures under the pretext of repairing the temple he was ordered not to do so , but the temple which was only an enclosure about four feet high, was not removed

(5) Yes

(6) Does not arise, as no temple or other structure has been demolished

MOTION FOR ADJOURNMENT

DACOITY IN AKBARPURA TOWN

Mr President : At 10-50 this morning I received a notice of a motion* for adjournment from the Honourable Dr Nand Lal This notice of adjournment motion refers to a dacoity in Akbarpura town at 5-30 P M , on the 22nd of June, 1930 The motion covers three pages and there was hardly any time for me to have it typed and send a copy of it to the Honourable the Home Member I have no hesitation in saying that the manner in which this motion for adjournment has been handed to me is tantamount to an abuse of the power and right of moving motions for adjournment I have also no hesitation in saying that the matter to which this motion refers is neither a matter of public importance, nor a matter of urgency, nor does it refer to any matter of recent occurrence The dacoity, which is the subject of the motion for adjournment, was committed on the 22nd of June, 1930, according to the statement of the Honourable Member himself, and the Assembly had been sitting since the 7th of July, 1930 The Honourable Member, therefore, had ample opportunity of moving this motion much earlier than this

Dr Nand Lal (West Punjab Non-Muhammadan) On a point of order, may I .... .

Mr. President : Order, order There is no point of order when the President is addressing the House.

Dr Nand Lal : Very good, Sir.

Mr President : I have already fully and clearly stated the principles about the moving of the motions for adjournment in my two

previous rulings on motions for adjournment and I need not repeat the same arguments again. I declare this motion out of order.

Dr. Nand Lal . May I approach you, Sir, with my explanation ? Can I approach you with my submission ?

Mr. President . Order, order No

Mr Muhammad Yamin Khan (United Provinces Nominated Non-Official) Can there be any suggestion after the President has given his ruling ?

MESSAGE FROM THE COUNCIL OF STATE

Secretary of the Assembly . Sir, the following message has been received from the Secretary of the Council of State

" I am directed to inform you that the Council of State has, at its meeting held on the 17th July, 1930, agreed without any amendments to the following Bills which were passed by the Legislative Assembly at its meeting held on the 14th July, 1930, namely

1 A Bill to provide for the creation of a fund for the improvement and development of the cultivation, manufacture and marketing of Indian lac ,

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

3 A Bill to amend the Indian Forest Act, 1927, for a certain purpose ,

4 A Bill further to amend the Indian Telegraph Act, 1885, for a certain purpose ,

5 A Bill further to amend the Bombay Civil Courts Act, 1869, for a certain purpose , and

6 A Bill further to amend the Benares Hindu University Act, 1915, for certain purposes "

RESOLUTION *RE* TERMINATION OF THE CONTRACT OF THE ASSAM BENGAL RAILWAY

Mr President · The House will now resume further discussion of the following Resolution moved by the Honourable Sir George Rainy on the 14th July, 1930

" This Assembly recommends to the Governor General in Council that, in view, firstly, of the requirements for new construction and open line works on railways which will have to be met in the course of the next ten years, and of the demands which the provision of adequate funds to meet the capital expenditure required for these projects will make on the resources of Government, and secondly of the fact that the purchase of the Assam Bengal Railway Company's interest in the Assam Bengal Railway will not at the present time be financially profitable, and that another opportunity for acquiring that interest will occur in 1941, notice should not be given to the Company on the present occasion of intention to terminate their contract unless it should prove possible to devise some expedient by which the purchase money can be found on terms which will neither involve the Government in substantial financial loss nor necessitate any serious curtailment in the programme of new capital expenditure required for the proper development of the railway system in accordance with the economic needs of the country "

Mr. B Das (Orissa Division Non-Muhammadan) . Sir, the other day, I was suggesting to the Honourable the Finance Member and the Government of India how money could be found to purchase this particular Railway and also the Bengal and North Western Railway when he

[Mr. B Das.]

comes to budget next year Sir, the very fact that the Honourable the Member for Commerce and Railways had brought the proposition before the House shows that they are meeting with financial difficulties When we were discussing the Railway Budget last session, I was one of those who suggested that a Retrenchment Committee should be appointed to look into the railway administration, but the Government of India thought it fit to appoint Mr Jukes to go into the revenue and expenditure of the Central revenues But the Government of India did not refer the Railway Department to be looked into by Mr Jukes I again submit, Sir, that the time has come when the railway administration should be thoroughly gone into and the retrenchment axe be applied to the railway administration But whether Mr Jukes would be the proper person to investigate regarding retrenchment in the railway administration or a separate committee should be appointed, that I leave to the Government of India Knowing that my life in this House is finished with this Session, I leave it to the Government of India to find a proper way to solve the difficulty. I have received a preliminary report from Mr Jukes in which I find that the officer has done admirable work He gauged the situation as regards extravagance in the civil departments, but the civil departments have little money to spend and there can be hardly any real retrenchment there We have to go into the Army and the Railways if the Government of India anticipate any saving under these heads Sir, I suggested the methods how money could be found I again suggest that the paltry sum of £17,000 which the Honourable the Railway Member anticipates as the loss if the Assam Bengal Railway should be purchased by the Government of India, could be really met from the surplus revenue that will come to the Government of India next year when the Bengal and North Western Railway will be purchased, because the money that will be paid, that is, £10 million and the interest that will be derived therefrom, is more than 16 per cent and if we lose one or two per cent on £1½ million, the 16 per cent that will accrue on the £10 million that will be paid to purchase the Bengal and North Western Railway would amply recoup the loss Sir, since we separated the other evening, I find there has been some agreement between this side of the House and the Government's side. Therefore I need not prolong the debate I leave it to the good sense of the Government to understand and appreciate the feeling on this side of the House regarding the State management of Indian railways

***Mr. Fazal Ibrahim Rahimtulla** (Bombay Central Division Muhammadan Rural) Sir, I beg to move

"That for the original Resolution the following be substituted

'This Assembly recommends to the Governor General in Council that negotiations should be undertaken with the Assam Bengal Railway Company to obtain for Government one year's extension of their existing option to terminate the company's contract on the 31st December, 1931'"

Sir, this Resolution which I have placed before the House for their consideration is entirely due to the feeling which was expressed by no less than three Members of this House regarding the principle of taking over

*Speech not revised by the Honourable Member

the English Company-managed Railways as soon as their contracts terminated I think my Honourable friend, Mr Chetty, raised a protest on behalf of this House for two reasons, one was regarding the first paragraph of the Resolution moved by the Honourable the Leader of the House, and secondly, to the scant treatment meted out to the Central Advisory Council for Railways, of which I happen to be a Member Sir, I was the first to make enquiries as to why the meeting was called on Sunday and why the meeting was called after the Government of India had tabled a motion for discussion at the meeting of the Legislative Assembly That motion, Sir, was not placed before the meeting of the Central Advisory Council for Railways for their consideration What we got was a memorandum submitted by the Railway Board, in which the financial aspect of the Assam Bengal Railway was described Having regard to the financial aspect of the Railway, I do not think any business man would agree to ask the Government of India to terminate their contract immediately and give notice in December, 1930 Therefore, after full consideration of the subject, the Central Advisory Council for Railways came to the conclusion that Government should try and get an option of five years instead of ten years The first question about the Company-managed Railways, or rather the Assam Bengal Railway, which was discussed, was regarding its relation to the Acworth Committee's Report On page 64, paragraph 208, the position of the Assam Bengal Railway is fully described and in that Report it was said that the position of the Assam Bengal Railway was exceptional Therefore, whilst they agreed that, for the foregoing reasons

"We unanimously recommend that the English domiciled guaranteed companies should cease to exist at the termination of their present contracts"

They have themselves pointed out

"The position of the Assam Bengal Company is exceptional. All the other guaranteed companies earn, in the shape of their share of surplus profits, a substantial dividend above the guaranteed minimum, and their shares, even under the exceptional market conditions of the present moment, stand in the neighbourhood of par The Assam Bengal net receipts do not even meet the 3 per cent guarantee The shares are consequently quoted at present at about 45 We should hesitate to advise that the Secretary of State should pay off at par in 1931 shares now standing at 45 But the company is not important, and there is ample time for consideration of this exceptional case between now and 1931 In any case, the amount at issue is not large"

Even in 1922, when this Report was signed, the Acworth Committee hesitated to recommend to the Government of India that they should immediately go in for the Assam Bengal Railway on the termination of their contract in 1931, having regard to the share price which was at 45 Today, Sir, according to the memorandum which was presented to us, the price of a share is £78. I think, Sir, it would be a great mistake, apart from the financial condition of the Government of India, that on the merits of this question this House could possibly recommend the termination of the contract. But the feeling here in this House is very strong (hear, hear) and the House, even according to my Honourable friend, Mr. Das, is prepared to recommend to the Government of India that they should incur, the paltry sum as he calls it, that they should incur a loss of £17,000 a year and take over the Assam Bengal Railway I, for my part, am not prepared to agree with that statement, but I do realise the feeling in this House and the result of this is that I have been able to move the amendment which I have moved with the consent

[Mr Fazal Ibrahim Rahimtulla]

of most of the Members who have felt strongly on this subject I think this House ought also to feel grateful to my Honourable friend, Mr Chetty, for having advised the deletion of the first part of this Resolution My friend, Mr Chetty, does not wish that this Company should be taken up if its financial position is bad , but if there is any other consideration, he is not prepared to agree to the postponement, of the taking over of the Assam Bengal Railway I think he is quite right and I am sure Government also will realise that it is an important point to be taken into consideration, and that they will agree to the amendment which I have moved

There is one more point to which I might refer, and it is this What is going to happen if the Assam Bengal Railway Company is not going to allow the Government of India to agree to the termination of the contract after a period of one year, that is, the 31st December, 1932 ? I do not think I would be prepared to recommend to the Government of India to give notice this year on the 31st December, 1930 But I would really like the Government of India to consider that, if the financial position improves, then they might, in the event of the Company refusing to allow us to exercise the option after a period of one year, as contemplated in my motion, take it over by giving notice on the 31st December, 1930 That is the feeling in the House, but personally, as a member of the Central Advisory Council, I would be prepared to request Government and I would be satisfied if they were to take the option of five years instead of ten years

There is another reason also According to the Acworth Committee's Report, we find that the contract with the Bombay, Baroda and Central India Railway terminates in 1941, and I do not think the Government of India would be in a position to take up two Railways in that year , and if there was a choice given, I do not think this House would hesitate for a moment to recommend the taking over of the Bombay, Baroda and Central India Railway I therefore say that, if the Company were to be taken over in 1936 that would be a reasonable period, and by that time I think the Government of India would be in a position to take over the Railways I hope in future such an occasion will not arise when the non-officials will have to protest against not carrying out a policy which they have laid down with the concurrence of this House, namely, the taking over of the English Companies as soon as their contracts terminate With these words, I move my Resolution

***Mr P. Venkatakrishnayya Chowdry** (Guntur *cum* Nellore · Non-Muhammadan Rural) Sir, in rising to speak upon this Resolution, I propose to confine myself to some of the essential points involved therein It is a fundamental principle, accepted and recognised by every country and every national Government, that the railways should be managed by the State (*Voices* "No, no") Mostly that is so All these years India has been steadily pursuing that policy and the recommendations of the Acworth Committee cannot be departed from at this time This is a matter that requires a thorough examination by the Central Advisory Council for Railways, to examine at length a proposal of this kind, so that the House

may be in possession of more details to give its considered opinion The Honourable Member advanced two reasons in his Resolution for not exercising the option to terminate the contract in December, 1931. In the first place, it has been said that the available money should be spent on new construction and open line works India affords scope always for the extension and development of railways Always money is to be found for the construction of new railways when such is the case. There is no justification why Government should not immediately purchase the Assam Bengal Railway when the contract terminates We have to pay 1½ million pounds , the net income of the Company is only £73,000 According to the Honourable the Commerce Member the profit is only Rs 3½ lakhs. My Honourable friend Mr Matin Chaudhury, says it will be about 4 lakhs My Honourable friend, Mr Das, has asked a pertinent question as to why money cannot be raised in India I am sure the Honourable the Finance Member will not find it impossible to raise this loan in India, even at less than 6 per cent In view of the prospective gains accruing by purchasing this Company, and in view of the fact that a large amount can be saved by the abolition of the Board of Directors in London, Indianising the services and stopping for a time the construction of feeder lines, it is but wise and proper that Government should risk the small loss anticipated by it in purchasing the Assam Bengal Railway It is not every commercial undertaking that is paying Government There are a thousand ways in which the poor tax-payers' money is wasted by the sins of omission and commission on the part of Government Where then is the objection to purchasing the Railway which in course of time will become a paying concern, and even if it does not pay, it would not very much matter, as it is a line intended for purely strategic purposes Both on the capital and profit side it is necessary that the contract should be terminated and the principle of Indianising the railways adopted Viewed from every point, it is not very unwise to invest 1½ million pounds in purchasing this Railway Supposing the Company is running the Railway at a loss, why is it anxious to have another lease of life for ten years ? The Honourable the Finance Member and the Commerce Member will see their way to appreciate the position advanced on this side of the House and exercise the option of terminating the contract in December, 1931 In this connection I venture to suggest that there are several lakhs of rupees in the hands of the local bodies in this country invested in Co-operative Societies at 4½ per cent in the shape of railway cess Why should not the Government of India borrow that available money, which is intended for the opening of new railways ? They may get it even for 5 or 5½ per cent In this case the investment will be a sound one and the purpose for which these funds are intended will have been largely realised

The essence of this amendment is this, namely, that if it is not possible to purchase this Railway in December, 1931, the conditions of the contract may also be altered so as to exercise the option in 1932 An extension for one year may bring into existence favourable conditions when the option to terminate the contract may be exercised Therefore when people are already disgusted with the most un-national aspect of several undertakings of the Government, and when they sincerely believe that the Imperialistic ambition of England has been the chief factor in contributing to the economic serfdom, agricultural indebtedness, and above all, to the present political unrest in this country, it is but just and proper on the part of Government to take immediate steps to purchase the Assam Bengal Railway.

[Mr P. Venkatakrishnayya Chowdry.]

Lastly, let me make a fervent appeal to the Honourable the Commerce and Finance Members to view this question from the broad nationalist point of view, ignoring for the present the profit side of the question, and yield to the rational demands of the people In doing so Government will be avoiding the further alienation of the sympathies of the people On these grounds, Sir, I support the amendment of Mr Fazal Ibrahim Rahimtulla, which is identical with the motion of which I myself gave notice

Dr Ziauddin Ahmad (United Provinces Southern Divisions Muhammadan Rural) Sir, I would have very much liked to oppose this Resolution, but I know that in the Assembly as it is now constituted, it is impossible to carry a motion against the wishes of Government So I accept what is the second best and support the amendment as it now stands This question of the relative importance of the Company and the State-managed Railways was discussed at the Delhi Session of the Assembly I admit that the Company management in England is working very efficiently, but there are special circumstances in India on account of which it is essential that we should have State-managed Railways Among the arguments I advanced at the last Session, with your permission, I would like to repeat three important ones The first was that the central administration in India is not located in the country but it is situated five thousand miles away, and therefore is not in direct touch with the management Secondly, there is no competition in India, such as exists between various lines in England , and the third is that the Company does not care so much for the comforts of the people as it cares for obtaining maximum profit at minimum expenditure, regardless of the comforts of the people Besides these, there are other arguments on account of which I supported State management in preference to Company management These facts were thoroughly discussed by the Acworth Committee, and they recommended as follows in paragraph 207 of their Report

"For the foregoing reasons we unanimously recommend that the English domiciled guaranteed companies should cease to exist at the termination of their present contracts"

This was the unanimous recommendation of the Acworth Committee, and I think it is very desirable that their recommendations should be followed

The argument brought forward by the Honourable Member is that the Assam Bengal Railway is not running profitably Of course, when we have determined to follow a particular policy, the question of profit ought not to come in May I ask the Honourable Member whether the railway line between Peshawar and Lundi Kotal is a profitable line ? It was certainly not built for commercial reasons, but in pursuance of a certain policy

An Honourable Member : That is a strategic line

Dr. Ziauddin Ahmad : Still it is not a profitable line , it was built in pursuance of a certain policy We have adopted a definite policy that the railways should all be State-managed, and it does not matter whether a certain railway shows a profit or loss.

Now, the Acworth Committee recommended what the Honourable the Mover of this amendment has quoted : they say that, "There is ample time for consideration of this exceptional case between now and 1931". I

should like to know what the Government have been doing during the last nine years They now come forward—not at the eleventh hour, but at the eleventh hour and 59 9th minute—because this is the very last day of the life of this Assembly, to discuss this very important question, which as a matter of fact they ought to have discussed during the last nine years. At the time the Acworth Committee wrote their Report, the shares of this particular Company stood at 45 Was it not possible for the Government to purchase, during this interval, these shares at this lower rate ? Even to-day the price, as pointed out by the Honourable Member, is 78 May I ask the gentlemen who are accustomed to stock exchange, is it possible for the shares of any Company to stand at 78 if there is a reasonable chance of their being purchased at par a year later ? From this I conclude that there must have been some kind of understanding between the Directors of the Company and the Government to the effect that this Company management would be allowed to go on for some time longer otherwise it is impossible that the shares of the Company would have stood at 78 just a year before the Government was to purchase them at par

Mr A. A L Parsons (Financial Commissioner, Railways) On a point of explanation, Sir, may I say that no communications have passed between the Government and the Home Board of the Assam Bengal Railway Company on this question at all ?—no communications of any sort, verbal or written

Dr. Ziauddin Ahmad : I take it from the Honourable Member that there was no official correspondence between the Railway Board and the Company , but at the same this is a thing to be taken note of by persons who are accustomed to the stock exchange business—as to how a share can stand at 78 if it is going to be purchased at par the following year I leave it at that

I should like to know whether the Government, during the last 8 or 9 years, ever considered this problem of the purchase of the Assam Bengal Railway, which the Acworth Committee so strongly advocated Have Government appointed any committee ? They never considered the question, and at the last minute they come to the Assembly and advocate that the time should be extended for another period of ten years Now, the chief reason that has been brought forward in support of this Resolution is that the Government have got no money, and whatever money there is should be spent on more useful purposes May I draw the attention of the Honourable the Finance Member to another recommendation of the Acworth Committee They say

" Direct Government loans bearing a fixed rate of interest appeal to a certain section of investors, but apart from these, there are other, and we believe more important, class of investors who are attracted by a lower rate of guaranteed interest coupled with the prospect of a share in the surplus profits of the railways , the shares in companies such as we recommend should be formed in 1924 and 1925 will offer attractive investments to such lenders "

Now, may I ask whether any action was taken by the Government on this recommendation of the Acworth Committee ? Have Government ever proposed to raise a loan guaranteeing 3 per cent interest, which they are guaranteeing to the Assam Bengal Railway, and participation in the profits ? Had the Government taken action in 1924 and 1925 according to the recommendations of the Acworth Committee and exhausted their resources

[Dr. Ziauddin Ahmad]

of raising funds, then it would have been reasonable for the Honourable Member to come to the Assembly and say "We tried our best to raise a loan and to carry out the recommendations of the Acworth Committee, but we failed, and therefore we now recommend that this period should be extended by another ten years" No such attempt was ever made Instead, at the last moment they now come forward and ask the Assembly to sanction the extension for another period of ten years—which is now reduced to one year and which is also very doubtful because it is left to the sweet will of the Directors of the present Company

Sir, the plea of want of funds is a plea which I can never believe as far as the Railway Department is concerned They have got money to bury one crore of rupees in the railway station at Cawnpore, they have got funds to bury 87 lakhs of rupees in the railway station at Lucknow, they have got funds to bury Rs 3½ crores in the Kalyan Power House, and they have got funds to the extent of Rs 30 crores—not a very small amount—invested in something which they cannot explain Last time when I asked a question about the manner of investment of Rs 30 crores, which is now in the Reserve Fund and Depreciation Fund, I was given a very poor reply I asked whether the permission of the Auditor General was obtained, and the Honourable Member could only tell me that the Auditor General was informed This did not satisfy me We want definitely that his permission should here been obtained and he ought to have certified that that was really the best way of investing the money The very fact that he was merely informed shows that the Government are not working with a clear conscience, otherwise they would certainly have got the whole of that amount properly audited and the Auditor General's Report ought to have been laid before this Assembly

Sir, I am not merely referring to the details of the administration, but I am discussing the policy of capital expenditure In this case I think the Railway Board are exceedingly weak, they do not have any sound principles of expenditure so far as capital expenditure is concerned, and it is very important to have some kind of system by means of which their capital expenditure may be controlled. I admit that the Members of the Railway Board are great experts in the details of the administration of the railways, but it very often happens that a person who has got a very detailed knowledge of a thing is most incompetent to consider fundamental changes in the Department, and therefore it is desirable that we should get some financial experts, either from other Departments of the Government of India, or possibly from Home, who might advise the Government to lay down a sound policy for the Railway Board to follow about capital expenditure. They ought to invest their Reserve Fund as also their Depreciation Fund in a proper manner They ought to float loans whenever they find it necessary to raise money, and control their capital expenditure in a proper manner, and they should not invest large sums of money at their own sweet will and pleasure in unremunerative undertakings and then give up one of the most important questions of policies on the ground of expenditure

Sir, finally I would like to emphasise the fact that any loans which the Government may float in this country for the purpose of railway development will receive every possible support in this country and any sum

which they may be in want of will be oversubscribed even in this country With these few words, Sir, I support the amendment

Sir Cowasji Jehangir (Bombay City Non-Muhammadan Urban) May I suggest, Sir, to the Honourable the Leader of the House to make a statement whether he will accept this amendment, because I think it will curtail the debate considerably ?

The Honourable Sir George Rainy (Member for Commerce and Railways) I think my Honourable friend the Finance Member proposes to speak, and it might be to the convenience of the House, Sir, if he were allowed to speak

Dr Nand Lal (West Punjab Non-Muhammadan) If other Mem bers desire to take part in the debate, are they to be prevented from speaking, Sir ? Is there any rule or is there any order to that effect ?

Mr President . No The Honourable Sir George Schuster

The Honourable Sir George Schuster (Finance Member) Sir, as you have called upon me, I take the opportunity of intervening in the debate at this stage Possibly when this House has heard what I have got to say, they may desire to give expression to a general opinion that the debate should be closed.

I may say at the outset, to make the position of Government clear, that the Government are prepared to accept the amendment which has now been moved, but a good deal has been said on financial policy in the course of this debate, and I should have thought it necessary in any case to intervene and make quite clear the position of Government on those points that have been put forward It becomes all the more necessary that I should make Government's position clear on these points, now that Government are going to accept this amendment which has been moved

Sir, I find myself in some difficulty in dealing with all the various points that have been raised, for I do not wish to take a very great deal of the time of the House, and if I were to deal fully with all those points, I should have to enter into long explanations of the whole financial position I will try, Sir, to be as brief as possible.

I must, at the outset, express my view that it is both natural and right that in debating a question of this kind the financial position of Government should be brought up, for personally I have always held that, in spite of the so-called separation of railway finance, railway matters and particularly the question of capital expenditure on the construction of new lines or on the purchase of existing lines, railway policy on these matters has such an intimate connection with the general financial position of Government that railway policy and financial policy cannot be discussed or kept in water-tight compartments They must be discussed together and both must be kept in view if sound decisions are to be reached. That, Sir, is a doctrine which I know is held by many of my Honourable friends opposite, who have taken part in this debate, and if there has been any suggestion in their speeches that they desire Government to take every opportunity to purchase Company-managed

[Sir George Schuster.]

lines regardless of the effects on the general financial position of Government, I do not really believe that they wish to push the argument to any unreasonable or unconditional conclusion, but rather that they were actuated by a desire to leave Government under no misapprehension as to the strong feeling of the House on these matters. If they wished to go further than that, I should be tempted to presume to offer them a word of advice, or perhaps rather to sound a note of warning, to the effect that when perhaps in the course of time they come to change the role of irresponsible critics for the responsibilities of Government which they are so anxious to assume, and of which I personally should be so willing to divest myself (Hear, hear) they will find that attractive principles cannot always be applied regardless of facts. Sir, we have got to face facts in these matters, and unfortunately many of these facts are beyond our own control. My friend, Mr. B. Das, with his accustomed ingenuity, has suggested various means for evading the facts which my Honourable colleague has quoted as affording obstacles in the way of an immediate purchase. He suggested, in the first place, that we might utilise our share of German reparation receipts to finance this purchase, but as this House knows full well, as a result of the clause which was inserted in the Finance Bill of this year, those German reparation receipts now go into our current revenue and are necessary for the balancing of our Budget. We rely on them already for other purposes.

Another speaker, I think, suggested that we might use the Railway Reserve Fund, but that fund is also ear-marked for a special purpose. It is a reserve for the existing undertakings, and even theoretically it ought not to be regarded as available for the purchase of additional Railways. From a practical point of view of course the suggestion has even less value, because, as all Honourable Members know, the Railway Reserve Fund is merged in the ordinary balances of the Government, and therefore Government themselves would have to find the money and there would be no solution of the practical difficulty. In fact as regards both suggestions, we are face to face with the inexorable facts that if we use any of our existing resources for this purpose those resources will not be available for other purposes for which they are already pledged.

Then, again, my friend Mr. B. Das says, and the question has been repeated this morning, why need you borrow money in England at 6 per cent. when you can obtain it in India at a very much lower rate? I am afraid again that it is a suggestion which is of little practical value. There are two points. In the first place, if Honourable Members will refer to the existing quotations for rupee securities, they will find the rates prevailing are not so very much lower than on our sterling securities in London, and the amount of saving to be effected by borrowing money in India would not be very great. But, Sir, there is another difficulty of a more practical nature. We have to find this money in sterling. If we borrow in India we have to borrow in rupees. Therefore, if the proceeds of an Indian loan are to be of any use, I have to convert those rupees into sterling. The question is, can I do it? That, again, brings me face to face with another of those inexorable facts. To answer that question fully would take me into the whole controversial field of currency policy and

12 Noon

the question of sterling borrowing I do not wish to enter into that field to-day, but I may explain the position quite simply. The amount of rupees that we can convert into sterling depends primarily on the balance of trade. If there is a favourable balance of trade, if India's exports exceed India's imports by Rs 60 crores in any year, then, if no other factors intervene, India can convert the Rs 60 crores into some form of foreign currency But there are other demands on that surplus balance In the first place, as all Honourable Members know, a very large amount of gold and silver is imported by India every year I have always said that if the Indian public would change their habits and would start the habit of investing their savings not in precious metals but in productive undertakings, India could raise by internal loans all the capital that she requires, both to buy up these foreign companies and to buy locomotives and rails and other materials which so far have to be purchased abroad But we have not reached that stage yet, and at the moment, as every one knows, there are special factors which have intervened to make difficult the exchange position,—forces, which are perhaps directed by a desire to embarrass the Government, but which I think have resulted in starting a process which threatens rapidly to ruin those who have set those forces at work

I do not wish to dwell on this point now, but as regards my Honourable friend Mr Das's suggestion, I will only say this, that, as things are now, it would be an extremely unsound financial policy for the Government to commit themselves to find sterling funds for capital expenditure without providing themselves with external capital to meet them For our current requirements our position is secure and sound and I anticipate no difficulty , but when capital expenditure is concerned, we should only be weakening our position if we undertook to make payments in foreign currency without borrowing foreign currency to meet them. That, Sir, is a sufficient summary, I think, of the present situation

I would turn now to the arguments advanced by my Honourable friend, Mr Chetty His points, I think, were briefly as follows He said, " You ought not to force the Assembly to take a decision now We have not had time to consider the matter " He then went on to develop a very practical line of argument He admitted, I think, that the special financial difficulties which exist at present were great and that for that reason it might be very disadvantageous to attempt to raise money now But he said, " You only have to find money by the 31st December 1931, and by that time things might be better Therefore you ought not to lose that opportunity " I think, if I remember his words correctly, he said, " If good sense prevails, conditions may be better by the end of 1931 " Sir, I echo those words, " If good sense prevails " That is the great need of the country to-day, and I venture to agree with my Honourable friend that, if good sense would really prevail and if all the forces which are now opposing Government would work with us for the common good, then, with that joint effort Indian credit could be restored to its former level and even above it And, if, on top of this, again, as part of that joint effort, Indians would, for patriotic purposes, join in taking special courses—if, for instance, Indians were prepared to release a part of their own gold holdings in subscriptions to a railway loan, all the exchange difficulties would disappear, foreign borrowing

[Sir George Schuster]

would be unnecessary, and the country could indeed carry out that policy which Honourable Members have so much at heart

Sir, I do not wish, as I have said, to enter upon a controversial field, but, as I contemplate the difficulty and the distress into which the country is now plunged, I cannot refrain from some comment on how things might have been My Honourable friend Mr Chetty has asked us to take into account the hope that they may be better in the future I am oppressed by the certainty that they could have been infinitely better at present if these disturbances had not been started I venture to say that Bombay at least would have been enjoying a boom this Summer , the cotton mills with the new protective duties would have been prosperous, Government's reduced borrowing programme would have encouraged confidence in Government securities, and we should have seen a rise of at least five points all round The banks then would have recovered the losses which they have been suffering on capital depreciation in their holdings of Government securities during the last few years, and a general feeling of confidence and cheerfulness would have prevailed With confidence restored in the good sense of the country, I should not have been forced to borrow in London at the rates which have recently been necessary, and we could have undertaken a purchase of this kind without any disturbance at all in the Government's financial position Sir, let Honourable Members look upon that picture and upon this which is before us now

Sir, I do not wish to say any more on the general position I have informed the House that the Government are prepared to accept this amendment, but as I said at the beginning, I wish to make perfectly clear what the Government's position is in the matter It may be, indeed I pray that it will be, as my Honourable friend has suggested, that things will be better next year But I would remind the House that we shall then be face to face with the need for a decision on the purchase of the Bengal and North Western Railway This purchase, on which Government have to give notice by the end of December, 1931, will involve a sum of about £12 millions, and the two propositions will then have to be considered together with all the other needs of the Government Now, if we can succeed in obtaining this period of delay for a decision as regards the purchase of the Assam Bengal Railway, I think that it will be a very fortunate result, for I think it is entirely proper that these two propositions should be considered together I can give this undertaking to the House –that we on our side will do our utmost to find ways and means of giving effect to the desire which I know is felt so widely for the purchase of the Railways But we are not in control of those inexorable facts to which I have referred We must now face the fact that our financial position next year will not be as good as I hoped it would be when I brought forward my budget proposals at the last Delhi Session We must face the possibility of a deficit as a result of the present subversive campaign, and we cannot look with great confidence now to the Government's possession of surplus funds next year Then we have other needs to consider We cannot devote all the capital resources of the Government to railways We have to consider irrigation projects, projects to which we are already committed and which we have to find money to finance I would venture to remind

Honourable Members that the Government of India carry this very responsible position of acting as a banker to all the provinces As their banker I cannot refuse, for example, to find funds next year for completing such a scheme as the Sukker Barrage Scheme Or, to take another example, I cannot refuse to find funds for helping the province and State concerned—the Bahawalpur State—to finance the Sutlej Irrigation Scheme My hands are tied in these matters These are the facts which I have to face, and, all these propositions must be considered together At the same time, for that very reason, and for the reason that there is still hope that things will improve, I personally welcome this appeal which has been made, and as I have already said, we will do our best to meet the wishes of Honourable Members and we will not abandon hope

I might indeed sum up the position by saying that this Resolution has been brought forward in a spirit of hope and this induces me to remind the House of the old legend from Greek mythology of Pandora's box ,—how Zeus, desirous of punishing the world for the theft of fire by Prometheus,—(might I perhaps compare this to the seeds of self-government now sown in India), gave Pandora a box, with the warning that it should not be opened, as it contained all sorts of evils But the box was opened , and famine, war, pestilence and evils of all kinds were let loose on the world But one, looking into the box afterwards found that the lid had been closed before all its contents had escaped and there still remained crouching in a corner a single small figure—the figure of Hope Sir, let us accept this Resolution in a spirit of Hope and feel that, even in these material matters spiritual influences can help us and spiritual interests are involved

Dr Ziauddin Ahmad Will the Honourable the Finance Member reply to the points I raised for not giving effect to the recommendation of the Acworth Committee to raise money at lower guaranteed interest and participation in profit ?

Rai Bahadur S C Dutta (Surma Valley *cum* Shillong Non-Muhammadan) Sir, whatever may be the policy adopted on the basis of the Resolution before the House, I wish to bring to the notice of Government some problems connected with the purchase of the Assam Bengal Railway and the interests of the people of the localities served by the Railway I am not going to enter into a discussion of pounds, shillings and pence and I am speaking as one who has seen the working of these Railways since the time they were started Although in the memorandum which Government have circulated, they describe this Railway as very economically managed, I cannot describe it as very efficient The railway management might be considered very economical in so far as the pay of the Indian staff is concerned, which is very low. The usual facilities for passenger traffic are absent, such as, accommodation in waiting rooms. There is no platform in any of the stations, and the railway compartments are in a bad condition Since the pay of the staff is so very low, from the very nature of the case, the management cannot be efficient, and therefore cannot be economical also

Mr. President : Order, order I think the Honourable Member is not confining his remarks to the point at issue The questions which he has raised are not relevant to the subject at issue We have got nothing to do with the management of the Railway here

Rai Bahadur S C Dutta . The point is this—whether the Railway should be nationalised or not It is not right that we should look at the question from the financial point of view only We must also consider the efficiency of the services rendered by the Railway That is the point I am emphasising I say that, although it may be said that the Railway is working at a loss, it cannot be said that the same loss will continue after the Railway is taken up by the Government I shall give a few reasons This is a railway passing through hill sections and touching the borders of certain tea plantations that are within the hills, so that in many places the main line avoids the thickly populated tracts The result is that the income of the Railway cannot be good, unless it is fed by branch lines The opening of branches has been begun only very recently and the income is coming in and the prospects are improving

Mr President : Order, order The discussion on a Resolution must be confined to the subject of the Resolution and I cannot allow the Honourable Member to wander about discussing questions which are not strictly relevant to this motion

Rai Bahadur S C Dutta . What I am pointing out is that as soon as the Railway is acquired, it will become profitable

Mr President · You are saying that in a very round about way

Rai Bahadur S C Dutta . I am pointing out that the income is low because the staff is ill-paid and the management is not efficient Apart from the question whether the Railway is run at a profit or not, the efficiency of the services has also got to be considered from the point of view whether the Railway should be nationalised or not Efficiency in the services rendered is also an object of nationalisation Now I have already said that the various facilities enjoyed by persons who are in the service of the State Railways are not enjoyed by the employees of this Railway, and what I complain of is these short-term contracts with railways, as they stand in the way of improvements being effected on the railways concerned Here is a contract It will be renewable after ten years only and it is now proposed to shorten it to five years Well, for these five years no improvements can be effected since the Railway Board on that account will be unable to insist the Railway Company undertaking these improvements But the important point is that if there are more improvements effected, more income will be earned thereby if the Railway is taken over I will finish now by referring to one important problem connected with this Railway. There is a crying need for improvement which cannot be satisfied unless the management of the Railway is taken over by Government forthwith Some Honourable Members may know that the main line in some places and some of the branches pass across valleys as dams

Mr Arthur Moore (Bengal European) · On a point of order, is the Honourable Member, Sir, supporting or opposing the Resolution before the House ?

Sir Hari Singh Gour (Central Provinces Hindi Divisions Non-Muhammadan) Mr Dutta, you close your remarks Don't take any notice of the interruption

Rai Bahadur S C Dutta : Yes, I am closing my remarks Now these railways act as a dam across the valleys and thereby cause abnormal floods, and there was a disaster in the districts of Sylhet and Cachar in the last rains In the railway embankment there was a difference of several feet of water from one side to the other. The houses of people living on the other side went under, there was a loss of several lives , there was great destruction of cattle and of crops, and there was a great disaster and widespread suffering and distress in connection with which charitable people throughout India made contributions for which the people of this valley are deeply grateful And an attempt was made for instituting an inquiry to ascertain whether the railway embankments in their present state caused and intensified the effects of floods causing loss of life and cattle and whether there should not be more bridges and the spans of the existing bridges should not be widened Well, a board of inquiry was constituted

Sir Hari Singh Gour All these details you can bring out in your speech at the time of the Railway Budget

Rai Bahadur S C Dutta Well, I am just finishing Well, that Committee visited that place and made a preliminary investigation, but at that time the water was already greatly subsiding On that Committee was also an Engineer of the Assam Bengal Railway That Committee met the members of the non-official Flood Relief Committee, of which I was the Vice-President (Applause) Well, we found from the discussions that although the railway embankment was high enough for the purpose of protecting the line from abnormal floods, the Railway could not undertake to provide for the passage of water in such abnormal floods

Mr President . The Honourable Member should now close his remarks

Rai Bahadur S C Dutta . I will just now conclude my remarks The position of the Railway Company was stated to be that they could not undertake so to widen the span of the bridges and to open new bridges, as suggested by our Committee, because it was not their business to allow for water in times of abnormal floods but only for normal floods, and what they allowed for were simply certain bridges over the rivers and certain channels, forgetting altogether that these were not the only channels for the passing of water in times of flood, but there are waters surging round and round for miles and miles when the whole country is under water So I submit to this Assembly that these are problems connected with this Railway that cannot be satisfactorily solved as long as the Railway is under company management, and it is for this reason imperatively necessary that the Railway should be taken over by Government at once With these remarks, Sir, I sit down

Mr. Arthur Moore : I move that the question be put

Several Honourable Members : The question may be now put

Mr President : The question is that the question be now put

The motion was adopted

Mr. President : The original question was :

"That this Assembly recommends to the Governor General in Council that, in view, firstly, of the requirements for new construction and open line works on railways which will have to be met in the course of the next ten years, and of the demands which the provision of adequate funds to meet the capital expenditure required for these projects will make on the resources of Government, and secondly of the fact that the purchase of the Assam Bengal Railway Company's interest in the Assam Bengal Railway will not at the present time be financially profitable, and that another opportunity for acquiring that interest will occur in 1941, notice should not be given to the Company on the present occasion of intention to terminate their contract unless it should prove possible to devise some expedient by which the purchase money can be found on terms which will neither involve the Government in substantial financial loss nor necessitate any serious curtailment in the programme of new capital expenditure required for the proper development of the railway system in accordance with the economic needs of the country"

An Honourable Member : The Honourable Sir George Rainy, Sir, has not replied.

The Honourable Sir George Rainy : I do not wish to exercise my right of reply, Sir

Mr. President : Since which the following amendment has been moved by Mr Fazal Ibrahim Rahimtulla

"That for the original Resolution the following be substituted

'This Assembly recommends to the Governor General in Council that negotiations should be undertaken with the Assam Bengal Railway Company to obtain for Government one year's extension of their existing option to terminate the company's contract on the 31st December, 1931'"

The question I have to put is

"That for the original Resolution the following Resolution be substituted

'This Assembly recommends to the Governor General in Council that negotiations should be undertaken with the Assam Bengal Railway Company to obtain for Government one year's extension of their existing option to terminate the company's contract on the 31st December, 1931'"

The motion was adopted

Mr President : Gentlemen, we are now at the end of our labours This is not only the last day of this brief but crowded and important Session, but also the last day of the sittings of this Assembly Before I announce the adjournment of the Assembly *sine die,* I would request the Honourable Members to do me the honour of coming and shaking hands with me after the Assembly is adjourned The life of the Assembly will come to a close at the end of this month and we do not know how many of the Honourable Members present in this House today will again come to the Assembly I wish them all good luck in their election campaign

(Mr President then shook hands with the Members present)

The Assembly then adjourned *sine die.*

APPENDIX.

Notice of a motion for Adjournment given by Dr Nand Lal for the meeting of th Legislative Assembly on the 18th July, 1930, regarding a Dacoity in Akbarpur Town

"To

The Secretary,

Legislative Assembly

The undersigned begs to ask for leave to make a motion, under section 45 of the Manual of Business and Procedure, for an adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance and, consequently, he hereby, leaves under section 46 of the aforesaid Manual, with the Secretary the following written statement of the definite matter of urgent public importance as described and mentioned below

1 That some forty dacoits entered Akbarpura town at 5-30 P.M. on 22nd June, 1930

2 That they, namely, the dacoits or raiders, were in full military uniform and armed with small short rifles Their officers had axes and hammers also, which they used in breaking open the ironsafes and doors

3 That after entering the town they shut up the gates and *morchas* (picketing) were set up there (namely, at the gates)

4 That rest of the raiders, namely, other than those who were posted as *morchas*, entered in the Bazar Thereupon the shop keepers commenced shutting up their shops The robbers then satisfied the people that the former were of the Border Police and had come for the protection of the town and that the latter need not fear

5 That since the robbers were in the Border Police uniform, the people believed them and, consequently, there was an exchange of compliments

6 That a short time after the aforesaid courtesies the robbers began to fire in the air and loudly said that they had, in fact, come to loot the Hindus only

7 That the Hindus, in the circumstances, were taken by surprise and felt utterly helpless

8 That thereupon the robbers caught hold of Lalas Kanshi Ram and Ganesh Das and forcibly compelled them to point out shops Both of these Hindus were beaten by the robbers

9 That therefore some of the Hindus entered their houses and began firing in their self defence Thereupon the robbers openly threatened the Hindus that if any of the raiders were wounded, then all of the Hindus would be murdered and the village burnt

10 That at this critical moment, Lalas Kanshi Ram and Ganesh Das, who were in the custody and control of the raiders, in order to save the lives of the Hindus, advised them to discontinue firing The Hindus, in the circumstances, felt compelled to stop it

11 That the raiders, thus, began to loot, the ironsafes were broken and cash taken away In addition to cash the raiders took away clothing from the shops of the piece goods merchants They took away valuable ornaments and clothing from the houses of four Hindus

12 That there is a Punitive Police Chowkey about half a mile from the town but none turned up on the occasion of loot, though they came subsequently

13 That on the morning of 23rd June, 1930, when the police came, the injured and aggrieved Hindus stated the sad tale of their woes and details of their losses, which approximately amounted to Rs 36,262

14 That the Hindus, on the arrival of the Senior Superintendent of Police on the spot and after having given details of the dacoity, prayed for protection, but the aforesaid officer said that they might go to *Karimpu* and *Andarsher*, Peshawar City This taunt added insult to their injury

Vide p 678 of these Debates

15. That this daring dacoity, as described above, goes to show lawlessness in the place, namely, Akbarpura, which is only about 9 miles from Peshawar and 18 miles from Nowshera.

16. That a report about the raid was given by telephone before 7 P.M. and the dacoits remained there up to 8 30 P M but no one turned up to help in time The dacoits went scot free Had they been pursued they or some of them would have been caught red handed

17 That it is the first instance that the dacoits looted in broad day-light and reached back their destination (ex border territory 26 miles from Akbarpura or other place), namely, their homes safely even without being pursued It is thus a definite matter of public importance

18 That there is no Provincial Council in the North West Frontier Province in which the scene of dacoity is situate The local authorities concerned and the Local Government have not, as yet, taken any effective measure to redress the grievances of the Hindus They have not, up to now taken any suitable and satisfactory step to extend the desired protection to them, namely, the Hindus They waited up to now for such measure and such steps

The Hindus of Akbarpura, being thus disappointed and being in danger, and there being fear of recurrence of such like raids, the matter deserved to be brought to the notice of this Honourable House

The circumstances and the incident, mentioned and described above in paragraph 1 to 18, constitute a definite matter of urgent public importance which is also recent the undersigned thus begs to give notice that he begs for leave to make a motion for an adjournment of the House of the Assembly for the purpose of discussing it namely, the aforesaid recent and definite matter of urgent public importance and is primarily concerned now with the Government of India, today

Sd NAND LAL, M L A,

18th July, 1930